



# Legislature of Ontario Debates

Monday, June 16, 1975 – Friday, July 10, 1975

















# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, June 16, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 16, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Mr. Speaker, I would like to draw your attention to a group of students in the west gallery from St. Mary's School on Portugal Sq., in my riding, accompanied by Miss Lydia Broda. I am sure the hon. members would like to greet them in their usual warm fashion.

**Hon. L. Bernier** (Minister of Natural Resources): Mr. Speaker, I know that the members of the Legislature will want to join me in extending a very warm welcome to 26 outstanding students from the Sacred Heart School at Sioux Lookout, in the great Kenora riding; they are accompanied by Gerry Pinkess, Bev Kondra, and Maria Tripney. Again, Mr. Speaker, these students have been assisted in a nine-day tour of southern Ontario through the Young Travellers programme.

**Mrs. M. Scrivener** (St. David): Mr. Speaker, I would like to take this opportunity of introducing 50 students from grade 8 at Deer Park Public School, who are with us in the west gallery with their teacher, Mrs. Petruilis.

**Mr. A. J. Roy** (Ottawa East): Good for the member for St. David. That's the most important statement she has made in the last two weeks.

**Mr. S. Lewis** (Scarborough West): I was just reminded, Mr. Speaker—I would otherwise have forgotten—I would like to stand on a point of personal privilege, if I could. I didn't know until I read Norman Webster's column in the Globe and Mail this morning exactly what the member for St. David had been saying about myself and the New Democratic Party in the reservations we have expressed about the commission on violence in the media.

I guess what I'd like to say, Mr. Speaker, is that I'd like to congratulate the member for St. David on being the only person in Ontario who has divined the Machiavellian plot which underlies the NDP strategy. She

has a rare wit and insight and I might say, Mr. Speaker, that—

**Mr. Speaker:** Order, please. Is this a point of privilege which the member wishes to raise?

**Mr. Lewis:** It certainly is and I want to finish it, if I may, without an interruption from the Speaker.

**Mr. Speaker:** Then you should state it please.

**Mr. Lewis:** Yes.

Interjections by hon. members.

**Mr. R. F. Nixon** (Leader of the Opposition): Come on now. Get to the point.

**Mr. Lewis:** The point simply is that I would like to—

**Mr. Roy:** Five miles yesterday—

**Mr. Lewis:** I would like to say to Mrs. Agnew from St. David—

Interjections by hon. members.

**Mr. Lewis:** —that now she has dispatched the official opposition in the New Democratic Party, we await her imminent attack on the effete Liberal press. Thank you.

**Hon. Mr. Grossman:** I thought we were supposed to be the ones who were over sensitive?

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Mr. Speaker, I wonder if I can take this opportunity to ask the members to join me in welcoming a distinguished visitor from our sister Province of Quebec, the hon. William Tetley, Minister of Financial Institutions, Companies and Co-operatives, who is visiting us this day.

**Mr. Speaker:** Statements by the ministry.

## LAKE ONTARIO SWIMS

**Hon. R. Welch** (Minister of Culture and Recreation): Mr. Speaker, last October my col-



league, the Minister of Community and Social Services, appointed a committee to study—

**Mr. R. F. Nixon:** Which portfolio did the minister have then?

**Hon. Mr. Welch:** —the problems presented by individual attempts to swim Lake Ontario and to suggest ways that these efforts could be made safer.

**Mr. R. F. Ruston (Essex-Kent):** There has been a lot of water under the bridge since then.

**Hon. Mr. Welch:** The committee has now reported to me and I have deposited copies of the report with the Clerk for tabling at the appropriate time today.

It is clear from the committee's investigation that Lake Ontario presents a very special challenge to marathon swimmers and that many will likely attempt to swim it in the future. It is also clear that a good swimmer, properly coached and adequately assisted, can safely swim across the lake with some success representing a very substantial athletic achievement.

The problem we face is the possibility that swimmers who are incapable, poorly coached or unsupervised may also attempt to swim across the lake and their efforts often result in personal tragedy.

Unfortunately, I am advised there is no legal restriction against swimmers in Lake Ontario unless they interfere with navigation and there is little we can do to prevent foolhardy attempts. However, a group quite interested in marathon swimming and water safety is attempting to meet the needs of qualified swimmers and has now formed the Ontario Association of Solo Swims.

The association is developing a programme for testing the capacity of swimmers to withstand the strains of Lake Ontario and will help to arrange for assistance and supervision during attempts which it sanctions. My ministry has agreed to provide them with financial and other assistance and they will also receive help from the coast guard, the Defence and Civil Institute of Environmental Medicine at Downsview, the department of psychology at the University of Toronto, the Royal Life Saving Society, the Red Cross, and various other boating and swimming organizations. They will also work with authorities in New York State where, as you know Mr. Speaker, many swim attempts originate.

The chairman of the association is Arthur Dufresne, one of the leading figures in marathon swimming and water safety in Ontario. I am pleased to announce that he, along with

Cliff Lumsden, a former long-distance swimming champion, are both in the gallery and I introduce them to the House as part of this statement, Mr. Speaker.

The association has the full support of my ministry and I am urging swimmers, coaches and sponsors of marathon swims in Lake Ontario to seek some assistance from the association and to be guided by its advice. The association plans to recognize all successful swimmers on the completion of their swims and the government also will present certificates of accomplishment at the sports award dinner to any successful swimmers from this province.

**Mr. R. F. Nixon:** Signed by the Premier (Mr. Davis) himself?

**Hon. Mr. Welch:** In this way, we can continue to support marathon swimming while at the same time contributing to the safety of this very challenging sport.

#### ASSISTANCE TO WHITEDOG AND GRASSY NARROWS RESERVES

**Hon. Mr. Bernier:** Mr. Speaker, on June 12 a question was asked in the House based on an editorial which appeared that day in the Toronto Globe and Mail. The editorial was concerned with government assistance for the Grassy Narrows and the Whitedog Reserves.

The Chairman of Management Board (Mr. Winkler) indicated in reply that this matter would be dealt with on my return to Toronto today. On behalf of my colleague, the Provincial Secretary for Resources Development as well as myself, I would like to take this opportunity to correct some factual errors and some mistaken interpretation which appeared in that Globe and Mail editorial.

The editorial said the Ontario government was not fulfilling the promise made by it to members of the Grassy Narrows and Whitedog bands along the English-Wabigoon river system north of Kenora, whose normal supplies of fish had been cut off because of mercury contamination.

The editorial also said the freezers we promised for the storage of fish caught from nearby safe waters were being held up because the government could not decide which ministry should pay for the freezers.

This is a distorted view, based apparently on misinformation and misunderstanding. I would like to set the record straight.

After the Provincial Secretary for Resources Development and I visited these bands in late April, we waited for the band council resolutions which confirmed the acceptance of



the assistance we had offered—freezers, fishing gear, buildings and so on.

As my colleagues are aware, the band council resolutions are necessary to grant permission to install any facility on reserve land. We received the resolution from the Grassy Narrows band in mid-May. The resolution from the White dog band did not reach my ministry until last week, and the White dog band council resolution asks only for assistance toward fishing at this time. The band council is still trying to decide what form of freezer assistance it wants. We will be meeting further with them on this point.

In the meantime, the Grassy Narrows band decided on its own initiative to begin fishing in a limited way in certain lakes near the reserve. As the band members planned alternative work for themselves, a project co-ordinator was needed, and the Indian community secretariat of the Ministry of Culture and Recreation, which has been close to the situation all along, approved a grant for a member of the band, Bill Fobister, to act as project co-ordinator on the reserve.

The first project under way is called "fish for food," which in its initial stages involves fishing in these waters. In order to expand this particular project, the Grassy Narrows band requested financial assistance.

On June 5, a meeting was held in the Kenora office of the federal Department of Indian Affairs and Northern Development. Those present were Chief Andy Keewatin, Bill Fobister and Tom Keeswick of the Grassy Narrows band, Dr. Peter Newberry, the physician at Grassy Narrows, as well as Miss Commandant, assistant to Mr. Fobister, and a field representative of the Department of Indian Affairs and Northern Development and of the Ontario Ministry of Culture and Recreation's Indian community secretariat.

An interim budget in the amount of \$25,000 was presented for the bands fish-for-food project, and the sum of \$10,000 was requested for immediate funding.

The Globe and Mail was wrong in thinking this money was for the community freezer programme. As mentioned, the \$10,000 requested was for expanding the Grassy Narrows band fish-for-food project.

At the Kenora meeting, the provincial representative agreed that the province would supply the \$10,000 requested.

To expedite this programme, we have agreed with the Grassy Narrows band council that we will replace the funds from its own band account that it required immediately to get the programme under way. This is the

\$10,000 referred to. It is only the beginning of the costs of the programme. It is not the final cost. We will spend, Mr. Speaker, whatever is necessary to protect the health of the Indians on these reserves.

We have been advised that the usual home type of freezer would be wholly inadequate. The bands require the storage of large supplies of fish. What is needed is a much larger walk-in type of freezer with considerable capacity and a quick-freeze capability so that large amounts of fresh-caught fish can be properly stored for the non-fishing periods of the year.

Early reports suggest that one large walk-in freezer would cost about \$35,000 installed on a reserve. We are going ahead and putting in one freezer of this type at Grassy Narrows. Fabrication, delivery and installation, we are told, can be accomplished before late summer, as requested by Chief Andy Keewatin. After this one freezer has been operating for some time, the possible need for further facilities will be determined.

We will move as quickly as possible in the White dog reserve situation, as soon as the needs are decided and reported to us and we will involve the band leaders in the process of determining the best sites for the freezers, as well as making sure proper operating techniques are understood by all involved.

In addition, we will follow through from my ministry and with the support of the field staff of the Indian community secretariat to ensure that all aspects of this programme are thoroughly discussed and planned with the band representatives on both reserves. Provincial government staff have met five times with representatives from these two reserves since April.

The Globe and Mail editorial writer was wrong in saying freezers were needed up there right now. At the present time, all fish caught is being consumed and there is no need for volume storage. I am informed that the surplus fish now taken is being put away in individual home refrigerators and the freezers purchased last week when it is not being eaten immediately.

As I mentioned, the receipt of a band council resolution is necessary for us to give this sort of assistance. I might explain that this is because the Province of Ontario does not have the jurisdictional authority to make capital investments on Indian reserves. We had to be invited to participate and we are pleased to have been invited.

Finally, while on the subject of action taken since our visit to White dog and Grassy Narrows, I should also mention that we have

been making progress in other respects toward improving the general conditions in these communities.

We have cleared up the problems which the Whitedog band perceived with regard to its timber licence, and will be providing \$25,000 for a rights-of-way clearing project employing about 10 people from that community.

The Ministry of Culture and Recreation has been asked to provide assistance and guidance with regard to both co-operative stores, and the Ministry of Colleges and Universities has been asked to do the same thing with regard to retraining programmes in these two communities.

Also, we have contacted the federal Department of Indian Affairs concerning 10 community wells, drilled but now dry, with the suggestion that prompt action be taken to correct that situation.

**Mr. Speaker:** Before we start the oral question period, I recognize the hon. member for Wentworth.

**Mr. I. Deans (Wentworth):** Mr. Speaker, I would like to introduce to the House some 40 students, together with their teacher, Mr. Lawson, from Collegiate Ave. School in Stoney Creek, accompanied by a number of parents whose names haven't been given to me, so I can't introduce them.

**Mr. Speaker:** Oral questions.

The hon. Leader of the Opposition.

#### ENERGY PRICES

**Mr. R. F. Nixon:** Thank you, Mr. Speaker. In the absence of the Premier, can the Minister of Energy indicate what communication between the government of Ontario and the government of Canada has taken place today regarding energy pricing, the petroleum pricing, since the Minister of Energy indicated that the Premier and the Prime Minister would be in communication Monday morning?

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, when I last saw the Premier earlier today, at about 1:30 p.m., he had yet to hear from the Prime Minister.

**Mr. R. F. Nixon:** A supplementary: I had understood from the minister's statement that the Premier was going to initiate the communication. Is there a plan for a consultation of this type, or what is the stance now?

**Hon. Mr. Timbrell:** Mr. Speaker, the Leader of the Opposition will know that the

Premier and the Prime Minister spoke on Friday afternoon, and my understanding is that the Prime Minister said he would call the Premier back today.

**Mr. R. F. Nixon:** Supplementary: Is there some plan to communicate to the Legislature the gist of these conversations, or what?

**Hon. Mr. Timbrell:** I'm sure it's the Premier's intention that once he has heard from the Prime Minister he would, either to the House or in some way, make public the results of that conversation.

#### JAILING OF 16-YEAR-OLD GIRL

**Mr. R. F. Nixon:** I would like to put a question to the Attorney General, the acting Solicitor General, and the Provincial Secretary for Justice—

**Mr. V. M. Singer (Downsview):** And the Deputy Minister of Housing?

**Mrs. M. Campbell (St. George):** Or any of them.

**Mr. R. F. Nixon:** Can the minister make some statement to the House about the circumstances that led to the jailing of a 16-year-old girl in the city this weekend when it was found that she had not responded to a bench warrant?

**Mr. Roy:** Eight months earlier.

**Hon. J. T. Clement (Provincial Secretary for Justice):** Mr. Speaker, the facts, as I understand them, up to the point where she ended up in the police station, are correct. She was taken into custody as a result of the warrant for failure to appear last August. She requested the officers not to contact her parents. In view of her age, her parents were contacted—her mother was contacted, so I am advised.

**Mr. Singer:** When was that?

**Hon. Mr. Clement:** That was on Saturday morning around 1 a.m. The sequence started at about 12:30 a.m. Her mother was contacted and advised the police not to contact her father in that he did not know of her involvement with the law last summer. A JP arrived at about 3:30 a.m. and the girl refused to speak to him. He identified himself and advised her of the purpose for which he was there. There was a certain amount of cursing and swearing on her part and he left. The same conduct continued through part of the night.



**Mr. E. Sargent (Grey-Bruce):** I don't blame her for swearing!

**Hon. Mr. Clement:** In the morning, when the jail matron provided her with toast and coffee, she threw it on the floor and refused to converse with the matron. She just cursed and swore.

She was transported to the court and refused to speak to duty counsel, who identified himself to her and the purpose of his being there—to be available to her. She refused to discuss it or give any information whatsoever to the presiding judge—one provincial Judge R. Graham. The warrant had not followed her up into that courtroom and he didn't have the particulars before him. He asked her name and she refused to disclose any information. He said: "In view of this, in any event, I took the position that, perhaps, this young lady should have a psychiatric examination."

The documents were eventually located and it was felt that she should appear before a presiding judge. Judge Graham, as I understand it, was not available at that time and Judge Cloney then had her appear before him. Not being advised of the prior appearance earlier in the morning before Judge Graham, again the same reaction occurred in that she refused to discuss it with him or give any information.

**Mr. Singer:** Did this all happen on Saturday?

**Hon. Mr. Clement:** All Saturday morning. Oddly enough, these two judges acting individually and without knowledge of the action of the other, Judge Cloney likewise made the same recommendation that she have a psychiatric examination, and be remanded the matter formerly until today, June 16. I don't know what disposition was made on the matter this morning. I'm waiting to hear.

**Mr. R. F. Nixon:** A supplementary: Would the Attorney General indicate what the circumstances would be in that there had been no effort to execute the bench warrant over these many months—and then, when the girl comes into the recognition of the police, they slap her into jail when she approaches them voluntarily on another matter? Surely there's something crazy about both sides of this story.

**Hon. Mr. Clement:** I inquired as to that. As I understand it, there had been some discussions on it. She was known to be residing with her parents. That fact, apparently, was known at the time she failed

to appear. Under the circumstances—her age and so forth—it was felt that the warrant should not be executed at that particular time.

**Mr. Singer:** She voluntarily went to the police station and there they executed the old warrant.

**Mr. Speaker:** Order, please.

**Hon. Mr. Clement:** Quite recently there was a direction made to execute the warrant, which had only recently come into the hands of the police prior to her appearing at the police station early on Saturday morning past.

**Mr. Roy:** That was eight months ago.

**Mr. Singer:** Mr. Speaker, by way of a supplementary.

**Mr. Sargent:** A supplementary.

**Mr. Speaker:** The member for Grey-Bruce indicated that he wished to ask a supplementary question.

**Mr. Sargent:** Mr. Minister, we hear the blaring of the horns outside against another stupidity of our judicial system. I want to ask the minister, as a parent, if his daughter or my daughter, or any citizen's daughter were to be handled like this by complete stupidity, would he take action against the system? Is he going to have these stupid officers before the court and have them answer for their actions?

**Mr. M. Shulman (High Park):** What stupid officers?

**An hon. member:** There's nothing stupid about them; it's just stupid.

**Hon. Mr. Clement:** Mr. Speaker, I find it rather peculiar, because as I recall, the other day either the member for Grey-Bruce, or one of his colleagues, objected very strenuously to bail being granted to a 16-year-old charged with a very serious offence.

**Mr. Sargent:** I asked the minister for the surrounding circumstances.

**Mr. Speaker:** Order, please. Order.

**Hon. Mr. Clement:** I think the member must realize this: Before a young girl can be released out into the public again, on her own recognizance, on cash bail, or any other type of arrangement, the person who is going to make that order has to satisfy himself that the person has possession of his or

her mental faculties, physical faculties, and so forth.

Here is a young woman who appears, who will not communicate with anyone—starting with the justice of the peace, the police, with duty counsel, with the judge—there is just no one she communicates with. There is the incidence of cursing and swearing, which indicates to them a rather unusual behaviour in one so young. For her own protection she was remanded for a mental assessment. I can make no observations other than that.

I have no reason to believe, one way or the other, that the girl was sick or anything else. I don't know. But I tell you, as a parent, if I saw a youngster in my own home carrying on in the same way, I would not order that youngster from my home, but I would see to it that she was transported to her home, or some place where she could be properly looked after.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** Mr. Speaker, I have two supplementary questions.

**Mr. Lewis:** A supplementary.

**Mr. Speaker:** Order, please. I think we should first allow a supplementary from the member for Scarborough West.

**Mr. Lewis:** I want to ask the Attorney General a question, because I fail to understand his comments. He would agree, would he not, that it could be a pretty traumatic experience to arrive at a police station voluntarily with good intent and find the execution of a bench warrant which had stood suspended for eight months? Presumably, that can inspire perverse human conduct. That's not unusual. Let me ask him, though: Since the bench warrant is often issued under discretion and not immediately given to the police, but was at some point given to the police, how much time elapsed between the opportunity for them to serve the warrant and the abrupt incarceration which occurred? That period prior to the events at 12:30 Saturday morning is surely important.

**Hon. Mr. Clement:** I agree that it's important. I don't know the time lapse, whether we are talking in terms of hours or a very few days or months. I'm waiting for that information to come to my attention right now. I agree that that is quite pertinent. I should point out that because of the fact that she was known to be living with her parents at the time she failed to appear, no charge was laid. As the member may know, they

can lay a separate charge for failing to appear, but no such charge was laid at that time. It is not unusual for the court to endorse on the record that, say, a bench warrant will issue but not be acted on until further direction of the court or certain other events occur.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** Mr. Speaker, by way of supplementary, would the minister not agree, in view of the fact that the statements attributed to Mr. McKeown, who appears from the newspaper accounts to be the young girl's solicitor, are so at variance with what the minister has told us today, that someone should have a closer look and advise us whether what Mr. McKeown said is entirely made of whole cloth or is factual?

Secondly, would the minister not agree that a bench warrant that sits for eight months and is suddenly executed in the middle of the night against a person who has voluntarily appeared in the police station would seem to imply that one appears in a police station at his own peril, and that this idea in the public's mind should be got rid of almost immediately?

**Hon. Mr. Clement:** I certainly am aware of the statements given by Mr. McKeown whom I regard at a distance as someone of high experience and a very reputable trial counsel in Toronto. I don't know the man individually or personally but I do recognize him as someone who certainly is well known and experienced in these areas, and I find his statement to be somewhat at variance.

**Mr. Singer:** It is absolutely contrary.

**Hon. Mr. Clement:** I don't know the source of his statement and I intend to find out. He may have been receiving the advice of the young lady for whom he is now acting. I am merely telling the House, as I must, about the preliminary report which was prepared by a deputy police chief of the Metropolitan Toronto police force.

**Mr. Singer:** Would the minister give us the medical report?

**Hon. Mr. Clement:** When I have that information I will be pleased to advise the House.

**Mr. Roy:** What about the bench warrant?

**Mr. Sargent:** What about the horns that are blaring now?

**Mr. Speaker:** Order, please. The Leader of the Opposition.



## REMOVAL OF AGGREGATE IN HALDIMAND-NORFOLK

**Mr. R. F. Nixon:** I would like to put a question to the Minister of Natural Resources. Is he prepared to permit the continued removal of aggregate and gravel from those properties in the Haldimand-Norfolk region which are owned by the government of Ontario and which will be in the new townsite, simply because the rights to the mineral properties were not included in the purchase when they were undertaken by the former Treasurer and because the application of the pits and quarries regulations was so late in being brought to bear?

**Hon. Mr. Bernier:** Mr. Speaker, we have no way of stopping the removal of that aggregate until the Pits and Quarries Control Act comes into force. I think the member is very much aware of that.

**Mr. R. F. Nixon:** Supplementary: Just to make it clear, the minister is saying, while he would like to stop the removal of this aggregate, he has no power to stop this imaginative entrepreneur, who seems to be several jumps ahead of the government and the enforcement concepts of the pits and quarries regulations, and cannot be stopped in removing this asset which should belong to the people and which should be used for the people. Is there any alternative at the municipal level through the utilization of municipal roads or provincial highways that could be brought to bear?

**Hon. Mr. Bernier:** Mr. Speaker, we've taken the necessary action, by designating this particular area under the Pits and Quarries Control Act. When that comes into force, then we'll apply the necessary regulations. Until then, we have nothing in force.

If the municipality has some other way of controlling this, I'm not aware of it. Maybe under the Municipal Act, they may be able to pass a by-law. That is something the Leader of the Opposition will have to take up with the Treasurer and Minister of Economics and Intergovernmental Affairs (Mr. McKeough).

**Mr. R. F. Nixon:** Supplementary, with your permission Mr. Speaker: Since the regulations cannot come into effect for six months and since the minister is aware with this day-and-night operation going on there that a very, very large amount of the resource will be removed, would the minister undertake to contact the chairman of the regional municipality or some other appropriate official to see what could be done in concert with the authority of this government and, if necessary, this House, together with the by-law powers of

the municipality, to stop this removal of the aggregate?

**Hon. Mr. Bernier:** Mr. Speaker, I am prepared to have a look at the entire situation to see what can be done; if indeed something needs to be done.

**Mr. Speaker:** Further questions?

## ANSWERS TO QUESTIONS ON ORDER PAPER

**Mr. R. F. Nixon:** I would like to ask the Chairman of Management Board why there is a delay in answering my question, which has been on the order paper for eight weeks, asking for the costs of the various advertising programmes the government ministries have entered into in recent weeks?

**Mr. Roy:** That might be embarrassing.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): No, it is not embarrassing. I have asked for the information, I don't know why it hasn't come forward. I'll certainly look into it immediately.

**Mr. T. P. Reid** (Rainy River): A supplementary, if I may, Mr. Speaker: When is the Chairman of Management Board going to answer my questions which have been on the order paper for over a year?

**Hon. Mr. Winkler:** Mr. Speaker, that is not a supplementary but I'll say as soon as I possibly can.

**Mr. Roy:** And my question to the Premier about those guys going on trips? It's been on there for a while.

**Mr. Speaker:** Any further questions? The member for Scarborough West.

## GRAVEL LICENCE APPLICATION

**Mr. Lewis:** Mr. Speaker, while we are on matters of gravel pits, could the Minister of Natural Resources indicate to me when he intends to respond to the question I asked on April 21 last regarding the gravel pit licence for a Mr. Sam Manetta in Pontypool? He said he had 30 days from the date of receiving the result of the OMB hearing which disallowed the pit to make a decision and he assured me he would make a decision within that specified period of time. Presumably that specified period of time has now passed. I don't think the decision has yet been made.



**Hon. Mr. Bernier:** Mr. Speaker, I'll check on that and report immediately.

**Mr. Lewis:** Thank you.

#### WORKING CONDITIONS AT CHROMASCO

**Mr. Lewis:** May I also ask the Minister of Natural Resources when he can reply to the question on Chromasco Corp. in eastern Ontario and the very serious allegations which were placed before the Ham commission about the levels of occupational health and safety in that corporation and the activities of one of the inspectors in this ministry? I asked the minister that some weeks ago.

**Hon. Mr. Bernier:** I'll also check on that reply Mr. Speaker.

#### ELLIOT LAKE JURISDICTION

**Mr. Lewis:** Could I ask the Minister of Natural Resources, as well, what is happening in the extraordinary confusion or difference of opinion which appears to have emerged in the last three or four days around who is responsible for what at Elliot Lake? Donald S. Macdonald, the federal energy minister, in reply to questions in the House of Commons, indicated the federal government was taking over the setting of levels both for radiation and dust emission and would enforce them at Elliot Lake in the absence of the provincial government. Has the minister had contact on that? Does he know what is happening?

**Hon. Mr. Bernier:** Mr. Speaker, I have not had any direct contact with the Minister of Energy, Mines and Resources in the federal cabinet. I understand there has been an appearance before the Ham commission by the Atomic Energy Control Board. I believe it made some certain statements with regard to the working-level months which maybe are less than we are applying at the present time. I think we are using about four working-level months and the AEC is suggesting something like one. I think I indicated at Elliot Lake that this is a matter we would look into and I'm sure the Ministry of Health, which has particular responsibility for setting those guidelines and those standards, will be working very closely with the federal government in arriving at what should be an acceptable level.

**Mr. Lewis:** A supplementary: Did the minister realize it is the federal government's intention to establish its own standards and

enforce them on the mining companies? I want to know whether there is any co-ordination between the two levels of government, because Mr. Macdonald was quite explicit about it in the House of Commons.

**Hon. Mr. Bernier:** As I said earlier, Mr. Speaker, Mr. Macdonald has not been in touch with me. We have always inspected the uranium mines of this province; we have licensed the federal inspectors, they have come under our total operation. If Mr. Macdonald has changed his mind, I have not been made aware of it.

**Mr. Lewis:** Could the minister pursue that at his end, as I will at mine?

#### NORTH YORK FAMILY COURTS

**Mr. Lewis:** Could I ask if the Attorney General has seen the submission from the inter-agency council in North York, representing I guess some 40 social agencies, on the crisis in the provincial court, family section, in North York; the waiting list backlogs, which now go to three months in most cases; the availability of only one judge at any given period of time; and what they call the viability of justice in North York being at stake? Has he seen the submission?

**Hon. Mr. Clement:** I have not seen the submission itself. I believe it is in my ministry; I believe a copy has come in. I haven't yet read it but will be reading it this week. I am meeting with the mayor of North York and several of his officials next Monday morning, I believe at 10 o'clock, on this particular matter.

**Mr. Lewis:** On this matter?

**Hon. Mr. Clement:** On this particular matter, and I will be reading the submission prior to that planned meeting.

**Mr. Singer:** Before or after he goes to the Tory nomination meeting? The member for London South (Mr. White) is his nominator.

**Mr. Lewis:** Since this has a very strong sense of urgency about it—obviously they see it as a deteriorating situation in justice in North York—can the minister make a report to the House about his response to it?

**Hon. Mr. Clement:** Yes, Mr. Speaker, I can. I would like to point out that this situation in North York may not be peculiar to North York. I find, the more I am involved with this ministry and the higher demand there is on services provided by the courts,

that I'm going to be back before this House in the not too distant future asking for rather substantial increases to my estimates in order to carry out and discharge the obligations I have.

**Mr. Roy:** Now the minister is starting to shape up.

**Mr. Lewis:** Good. It is a pity this had to happen first.

**Hon. Mr. Clement:** I want to make it clear Mr. Speaker, that this is not peculiar to North York; certain other areas—certainly not all but certain other areas of the province—have similar problems.

#### EMPLOYMENT STANDARDS ACT REGULATIONS

**Mr. Lewis:** One last question of the Minister of Labour, if I may: When is the minister going to proclaim section 10 of the Employment Standards Act, which relates to the removal of discrimination on the basis of sex as it applies to pensions and related fringe benefits?

**Hon. J. P. MacBeth (Minister of Labour):** The report has been out and I think the members have been supplied with copies of that. We're presently in the act of preparing the regulations; it's an extensive task to do so. I haven't checked in the last few days as to how they're coming along but as soon as the regulations are ready, they will go to the regulations committee and then the section will be proclaimed. I hope it will be soon.

**Mr. Speaker:** The member for Ottawa East.

#### COURT CASELOADS

**Mr. Roy:** Mr. Speaker, I have a question of the Attorney General. It deals with some of the comments and some of the questions asked about the administration of justice, not only in Toronto but in this province. What is the minister going to do about the situation in the judicial district of York, which was highlighted in an article on the weekend in the Globe and Mail by Walter Fox, which stated that people really aren't defended, they are bartered, and in some 80 per cent of the cases plea bargaining takes place?

Is the minister going to do something? I was glad to hear his statement about more money, but is the minister going to have an increased number of judges and Crown

attorneys and do something about legal aid by adopting some of the legal aid recommendations?

**Hon. Mr. Clement:** Mr. Speaker, these matters touched on by the leader of the New Democratic Party and by the member for Ottawa East will not be resolved by money and individuals, because there are many facets to the problem. I read the article by Mr. Fox in the Globe and Mail and I agreed with some of the comments but I would be willing to debate others with him.

**Mr. Roy:** It was pretty accurate.

**Hon. Mr. Clement:** Starting with the question of plea bargaining, it would indicate that plea bargaining is an improper process and it's just been recently discovered. I should point out that plea bargaining guidelines have been issued by the Ministry of the Attorney General for a number of years.

**Mr. Roy:** Agreed; but for 80 per cent of the cases?

**Hon. Mr. Clement:** The other thing, with reference to the family court matters touched on by the member for Scarborough West, could perhaps be resolved by a uniform family court situation. I have been in correspondence with the Minister of Justice in Ottawa and he knows our feeling on this. As recently as today I received a letter from him as to certain observations which he offered. He recognizes some of these things, too, because they are not inherent only to this province. We need more resources, that's another way to resolve it.

**Mr. Roy:** This ministry has been neglected for 45 years.

**Hon. Mr. Clement:** There are many approaches to this and when the House rises, I know it will be one of the matters highest on my list of priorities to attempt to resolve this and many other justice-oriented problems.

**Mr. Roy:** A supplementary.

**Mr. J. E. Bullbrook (Sarnia):** By way of supplementary—

**Mr. Speaker:** A supplementary to the original question. We will allow the member for Ottawa East to go first and then the member for Sarnia.

**Mr. Roy:** Would the minister confirm whether he intends to film, in court No. 21, the proceedings of the court? Apparently the film is to be used for the criminology conference. Will the minister's film show what

goes on in a court—for instance, plea bargaining or counsel being scolded by the trial judge for taking up too much time?

**Hon. Mr. Clement:** I understand a film is being prepared right now; as to what will be contained in that film, I don't know. If it has been filmed, I haven't seen it; if it has not yet been filmed, I don't know what format it will take. Its anticipated use will be for the UN congress to be held here in early September.

**Mr. Speaker:** The member for Sarnia.

**Mr. Bullbrook:** I'd like to ask a supplementary that has to do with the very foundation of the system of plea bargaining. Would the Attorney General consider issuing a directive to the Crown attorneys of this province to stop the practice of issuing duplicate and alternative charges where the circumstances permit such; and does the Attorney General—by way of second supplementary—agree that, from his experience, this is the very essence leading to the practice of plea bargaining?

**Hon. Mr. Clement:** I'll take that question under advisement.

**Mr. Bullbrook:** This is a matter of opinion, certainly.

**Hon. Mr. Clement:** I don't know that I would consider it right now. I may, upon reflection, Mr. Speaker, consider the proposal put forward by the member for Sarnia. I am always somewhat surprised by some of those who write or speak of plea bargaining—I am not suggesting the member for Sarnia is taking this position—when they make it appear to be almost an improper course of conduct. I suggest, and I say, that if it is done in a proper way—

**Mr. Bullbrook:** Right, right.

**Mr. Singer:** It is done all the time.

**Hon. Mr. Clement:** If it is done in the proper way and in accordance with the guidelines, it is to the advantage of all involved.

**Mr. Roy:** It can be so easily abused; that's the problem. It can be abused. Eighty per cent—

**Mr. Speaker:** The member for Sandwich-Riverside.

#### STRIKE AT CANADIAN SALT

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, a question of the Minister of Labour

regarding the seven-week-old strike at the Canadian Salt Co. Ltd. in Windsor.

Inasmuch as the main issue is apparently safety rather than wages, would the minister consider making some use of his industrial safety branch in order to expedite the negotiations?

**Hon. Mr. MacBeth:** Mr. Speaker, if we can be of help, we'll certainly be glad to be so. I understood this was safety underground. I just had a brief report on it before I came out today, so I am not sure whether it's safety in the mines, or if it's safety above ground. Anyway, I'll make some inquiries and see what we can do.

**Mr. Speaker:** The member for Simcoe East.

**Mr. E. J. Bounsall (Windsor West):** Supplementary, Mr. Speaker.

**Mr. Speaker:** Supplementary; the member for Windsor West.

**Mr. Bounsall:** A supplementary on that, Mr. Speaker: Since it is safety in both the underground operations and in the plant operations that is at issue, would the minister perhaps use a fact-finder from the Ministry of Health on dust levels or the industrial safety branch on the in-plant operations; and perhaps a fact-finder, along with his colleague from the Ministry of Natural Resources, to investigate the underground conditions?

**Hon. Mr. MacBeth:** Mr. Speaker, I appreciate the suggestions made by the hon. member. I don't know what techniques or what tools or what personnel we can use; I know that my ministry is looking at the dispute and that safety is one of the issues. If any of these other ministries can be of assistance, we'll accept their support.

**Mr. Speaker:** The member for Simcoe East.

#### LAKE SIMCOE MARINA

**Mr. G. E. Smith (Simcoe East):** Mr. Speaker, I have a question of the Minister of the Environment.

Is the minister aware that a rather large marina development has been planned on Lake Simcoe near the city of Orillia, with facilities to accommodate some 500 boats? Under existing legislation the dumping of human waste is prohibited, but is the dumping of sink and wash water, which in many instances includes detergents and phosphates,



also prohibited under the existing regulations?

**Hon. W. Newman** (Minister of the Environment): Mr. Speaker, under our present regulations they must have holding tanks on their boats to deal with effluent discharge. I know most of the boaters in the Province of Ontario have holding tanks; and I would assume that most would put their wash water through their holding tank system. I would think that under our regulations as far as waste water is concerned, they would probably be polluting the lake. This would come under our Environmental Protection Act. If there is a specific problem of this happening, I'd be glad to look into it.

**Mr. G. E. Smith:** Supplementary.

**Mr. Speaker:** Supplementary.

**Mr. G. E. Smith:** I think the minister has partially answered the supplementary. But with 50 boats docked in rather shallow water, and with the increasing use of these shallow inland waters by the general boating public, would the minister give definite assurance that he will reassess existing regulations or the legislation to see if the quality of the water could be preserved?

**Hon. W. Newman:** Mr. Speaker, all I can say is if they don't come within the regulations or under the Environmental Protection Act now, and that is happening, certainly we will have to tighten up the regulations.

**Mr. Speaker:** The member for Rainy River.

## FISH AND GAME MANAGEMENT

**Mr. Reid:** Thank you, Mr. Speaker. I have a question for the Minister of Natural Resources. Will the minister reconsider his dates for the closing of trout season and opening of the moose and deer hunting season in northern Ontario, as this appears to be going to work a hardship on the tourist operators? Can he give us any hard, factual information that this 11-day period is, in fact, going to protect either the trout or the deer and moose population?

**Hon. Mr. Bernier:** Mr. Speaker, I have said on a number of occasions that we are fine-tuning our management of the resources of this province; and one of our desires, of course, is to make sure that the lake trout population is maintained, not only on a short-term basis but on a long-term basis. The

same philosophy is being applied to moose and relates to our very extensive and enriched moose management programme.

Obviously, those who fish lake trout know full well that they are very vulnerable at that time of the year. My biologists tell me that the deadline is Oct. 1, that's as far as you can go. Oct. 11 is not the opening date of the moose season, it is Oct. 4; I am sure the hon. member is referring to the non-resident hunting, because he referred to the tourist industry.

We strongly feel, of course, in our moose management programme—and the biologists again gave me this advice—that if we are going to manage those resources, cut down the number of hunters and cut down the overall take, we have to make it more difficult for the hunter to be successful by taking it out of the rutting season. This makes it possible, and is an overall part of the thrust of the ministry to manage those resources in a much finer way.

**Mr. J. E. Stokes** (Thunder Bay): It is not a bottomless pit.

**Mr. Speaker:** The member for Port Arthur with a supplementary question.

**Mr. J. F. Foulds** (Port Arthur): Is the minister in a position at this time to tell us the full extent of the moose management programme? I am particularly interested, after having been to the minister, to the resources development committee and to the Chairman of Management Board of Cabinet, to find out if the minister has won the battle to spend the \$440,000 on moose management that he publicly announced in February; and whether or not he is hiring, I think it is, three additional moose biologists in addition to the one he already has?

**Hon. Mr. Bernier:** Mr. Speaker, as I indicated at an earlier point in this House, we have gone into a finer management of our moose resource; we have gone into smaller management units; we have increased the non-resident hunting fee from \$125 to \$175, plus a \$15 trophy fee. We have also engaged four biologists who will be spotted in the four regions of northern Ontario and we will be working very closely with the pulp and paper companies in providing a better habitat for the moose of the northern part of this province.

While we indicated at an earlier time this year that we had hoped to enrich our moose management programme by some \$400,000, a further review by Treasury Board indi-

cated that at this point in time some cut-backs had to occur. We were granted the right to spend about \$170,000 this year and, because of the lateness in the year in getting started, I doubt if we will spend more than \$130,000. The four biologists are in place. The enriched programme is moving ahead and I am quite confident that next year and the year after the programme and the goals we are trying to achieve will be achieved.

**Mr. Speaker:** The member for Windsor West.

### LABOUR RELATIONS ACT AMENDMENTS

**Mr. Bounsall:** A question of the Minister of Labour, Mr. Speaker: Inasmuch as the amendments he introduced to the Ontario Labour Relations Act on Friday last included dependent contractors as employees and hence eligible to form a union, would he now consider clearly including foremen as well, inasmuch as yet another group of foremen have applied for certification before the Ontario Labour Relations Board—that of the Canadian Independent Automotive Union—which in fact had its first hearing this morning?

**Hon. Mr. MacBeth:** Mr. Speaker, it was not the intent to cover foremen by this section, but I will take it under advisement.

**Mr. Speaker:** The member for Grey-Bruce.

### ONTARIO LOTTERY

**Mr. Sargent:** A question of the Minister of Culture and Recreation—

**Mr. Reid:** Is he a smock or is he a jock?

**Mr. B. Newman (Windsor-Walkerville):** Super-jock.

**Mr. Sargent:** If my understanding is right, a large number of unsold tickets are left in the "mix" before the draw is made, compounding the odds against getting a large percentage of winners redeemed.

I would like to ask the minister if this is so, that there are large numbers of unsold tickets in the mix before the draw is made; and if so, what happens to the money that is not won? In other words, I think he is verging on running a sleazy carnival operation if he can't get these things cleared up.

**Mr. Speaker:** Order, please. The question has been asked, I believe.

**Mr. G. Samis (Stormont):** A sleazy operation?

**Hon. Mr. Welch:** Mr. Speaker, I don't—

**Mr. Reid:** Go ahead, P.T.

**Hon. Mr. Welch:** I don't quite understand what the member means by unsold tickets being in some mix. It may be that, as he gets his supplementary ready, I will go to the other part of the question. Any unclaimed—

**Mr. Sargent:** If the minister doesn't know that, he should not be running it. That is part of the whole lotteries operation, the mix.

**Mr. Speaker:** Order, please.

**Mr. Bullbrook:** That is calling a spade a spade.

**Hon. Mr. Welch:** As far as unclaimed prizes are concerned, as the member knows, following the selection of the numbers according to the rules of that particular lottery, prize winners have one year during which to claim their prize so that moneys allocated for prizes during any particular draw are earmarked for that particular period of time. If they are not claimed after that, I am advised by the lottery corporation it goes out again as prize money. It is always there as prize money.

Interjection by an hon. member.

**Hon. Mr. Welch:** On the question with respect to the mix, it may well be that the member could explain further and if he wants some explanation as to what's happened after each of the draws with respect to sold and unsold tickets, I would have to get that information from the lottery corporation. Furthermore, the minister does not particularly appreciate being referred to as a dough-head—

**Mr. Sargent:** I take that back. I apologize—

**Hon. Mr. Welch:** —nor does he particularly like the use of the word—

**Mr. Sargent:** —for that, Mr. Speaker. That is a lovable term—

**Hon. Mr. Welch:** I know; I know the member and I are good friends—and nor do I like the use of the word "sleazy."

**Mr. Roy:** Did that hurt the minister's feelings a bit?

**Mr. Sargent:** A supplementary?

**Mr. Speaker:** A supplementary.

**Mr. Bullbrook:** Do members notice he hasn't withdrawn that? He withdrew dough-head—but he won't retract sleazy.

**Mr. Speaker:** I think it was all-inclusive.

Interjection by an hon. member.

**Mr. Sargent:** It is very important to know if the programme is working. What percentage of the prizes offered are redeemed? Secondly, he should publish the odds to the consumer; what the odds are on the chance of winning.

**Mr. E. R. Good (Waterloo North):** And what are the administrative costs?

**Hon. Mr. Welch:** I think those two questions are very reasonable. I will get that information from the Ontario Lottery Corp.

**Mr. Roy:** A supplementary.

**Mr. Speaker:** A supplementary? The member for Ottawa East.

**Mr. Roy:** In relation to the unclaimed prizes, the minister says he waits for a year and then they come back. Is he going to have extra prizes the following year or is it just going to be put back into the kitty?

**Hon. Mr. Welch:** I am told, from the experience of other lotteries—for instance, the Quebec lottery—that eventually we have extra draws to get the prize money out. The point is that after each draw, there is a certain amount earmarked for prizes which never comes back to the government. It goes out to the public in the form of prizes.

**Mr. Speaker:** The member for Yorkview.

#### INQUIRY INTO DUMP TRUCK OPERATIONS

**Mr. F. Young (Yorkview):** Mr. Speaker, a question of the Minister of Transportation and Communications: Since I understand that the report of the commission looking into the dump truck industry in Ontario is now in the minister's hands, I wonder if he might indicate when that will be tabled in the House?

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Mr. Speaker, we received the report on Friday of last week. It is being reviewed—the various recommendations—and I would like to complete that review which should not take too long and then table it here in the Legislature.

**Mr. Speaker:** The member for—supplementary?

**Mr. Young:** A supplementary, Mr. Speaker: Is the minister planning to take action, legislatively or regulation-wise, on the report to get rid of some of these problems before the end of this month?

**Hon. Mr. Rhodes:** Yes, Mr. Speaker. We find some of the recommendations are good recommendations which we feel we can implement very quickly. Others will take a little longer but I think we can implement a number of them very quickly. We intend to do so.

**Mr. Speaker:** The member for York North.

#### NIGHT TRAFFIC COURT IN YORK REGION

**Mr. W. Hodgson (York North):** Mr. Speaker, my question is of the Attorney General; it is about a night traffic court in the region of York. As the minister knows, in the region of York, immediately north of this big Metropolitan area, there's a situation in that a large number of our people find employment in Metropolitan Toronto and at the present time it is very difficult for those people if they get a traffic ticket—it is a case of straight economics. They would rather pay it than take a day off work. All the municipalities within the region and the regional council have passed resolutions and sent letters to the minister asking for a night court; all we are asking for is one within the whole region. My question is when can we expect a night court in the region of York? That's a simple question.

**Hon. Mr. Clement:** The member can expect a night court in the region of York when the resources are made available to me which will provide the personnel and the other backup equipment required for such an operation. In the area where it has been working for, I believe, about a year and a half, it has been very successful, Mr. Speaker. It's a matter which probably has a higher priority in an urban area as opposed to a rural area, but in any event when those resources are made available to me, that will be one of the regions which will have the benefit of that programme.

**Mr. Speaker:** Supplementary?

**Mr. W. Hodgson:** Supplementary: When the minister says, "when resources are made available," it would be interesting to know



how much resources we are talking about for a traffic court two nights a week or three or four days a month? Are we talking about a large amount of money? When he refers to a rural area, I would like to point out that the region of York is not a rural area any more, it has 200,000 people and it's very urban.

**Mr. Sargent:** Question?

**Mr. Roy:** The member for York North is as frustrated as we are.

**Mr. Speaker:** Does the minister have an answer?

**Hon. Mr. Clement:** Mr. Speaker, not only do we need resources in terms of individuals, we must have a justice of the peace to preside; we must have the clerical backup; we must also have the physical facility, a place wherein to hold it—

**Mr. W. Hodgson:** We haven't got a courthouse; we need that too.

**Hon. Mr. Clement:** We must also have—I don't call it a computer arrangement—the equipment programmed in which permits the instant recall of an individual's driving record. In terms of dollars, I can't stand here and say it would cost X dollars per annum. That information is available, I can get it for the hon. member, but I can't tell him off the top of my head right now.

**Mr. Roy:** The member for York North should tell them that's not good enough.

**Mr. Speaker:** The member for York Centre with a supplementary.

**Mr. Deacon:** Supplementary: What is the actual extra cost in the city of Toronto in terms of operating night courts compared to day courts? And why can't that same sort of facility be provided in York county, if it's working here and is economical here?

**Hon. Mr. Clement:** Mr. Speaker, the reason is that the Toronto experiment was put forward as a pilot project some two years ago, I think, and funds were allocated for that specific project. Now in order to expand that project, as has been suggested by the hon. member and by those from North York who have written about this in the past, I would have to have those sums allocated in my estimates. The hon. member will not find that I'm arguing with him—I think it's a good programme; it has worked well here—

**Mr. Roy:** Who's running the show up there?

**Hon. Mr. Clement:** —I'm just pointing out that I require those additional resources.

**Mr. Bullbrook:** Supplementary: If the minister did away with the portfolio known as the Provincial Secretariat for Justice and its concurrent cost, would he have any idea how many night courts he might be able to run?

**Hon. Mr. Clement:** No, but I'm sure the hon. member would have some idea.

**Mr. Roy:** Ten courts.

**Hon. Mr. Clement:** I should point out that you're getting a bargain now, because you're only paying one cabinet minister's salary, less five per cent, but you're getting three jobs done.

**Mr. Bullbrook:** And worth every cent we pay him! That is, half of each.

**Mr. Speaker:** The member for York-Forest Hill.

## METRO CENTRE

**Mr. P. G. Givens (York-Forest Hill):** A question of the Minister of Housing: Would the minister kindly tell us what specifically he's doing with respect to preserving that aspect of the Metro Centre project which was going to permit the construction of thousands of units of rental residential accommodation in that project? Would it not be indeed a tragedy, having regard for the fact that it is so difficult to get cleared land in Metropolitan Toronto, if that project were to go down the drain as well? What is the minister doing about that?

**Hon. D. R. Irvine (Minister of Housing):** Mr. Speaker, I attended a meeting where the Premier and several of my cabinet colleagues were present, as well as representatives of the federal government. At that time, we discussed the fact that at a future date we would have the federal government and ourselves involved in a meeting, which would also involve Metropolitan Toronto and the city of Toronto, in regard to land use for that area in the future.

**Mr. Roy:** Is the minister still talking to the federal government?

**Mr. Givens:** Supplementary: Does the minister feel, from what he's been able to examine thus far, that he will be able to construct as many units as they were talking about at that point in time, so that that part of the project will not go down the drain?

This concerns me, because it is so difficult to find cleared land in this area. Will the minister still be able to come up with that many units? Is that part of it still alive?

**Hon. Mr. Irvine:** Mr. Speaker, I can't give any assurance as to whether it's alive or not. We have not even discussed the project in detail.

**Mr. Singer:** Mr. Speaker, by way of supplementary, would that continuance of that project be affected by the conspiracy so frequently referred to by the minister's colleague from St. David?

**Mr. Roy:** Dirty tricks.

**Hon. Mr. Irvine:** I would hope not, Mr. Speaker.

**Mr. Singer:** Maybe it doesn't even exist. Ask the Treasurer about her when he comes back.

**Mr. Speaker:** The member for High Park.

#### SERVING OF BEER AT ONTARIO PLACE

**Mr. Shulman:** A question of the Minister of Consumer and Commercial Relations: Can the minister explain why his ever-vigilant liquor inspectors descended upon Ontario Place at the end of last week to inform them that in future they must not serve beer in jugs but must only use mugs? Can the minister tell me why Ontario Place is being discriminated against in this particular regard?

**Hon. Mr. Handleman:** Mr. Speaker, I wasn't aware they had. I would have assumed that my colleague, the Minister of Industry and Tourism (Mr. Bennett), would have complained to me about it. I will certainly look into it and try to find out, first, if the occurrence did occur; and what the reason for it was.

**Mr. Roy:** Didn't the minister tell them to serve pop down there?

**Mr. Foulds:** Being on Broadway keeps the Minister of Industry and Tourism too busy.

**Mr. Speaker:** The member for Waterloo North.

#### ONTARIO LOTTERY

**Mr. Good:** I have a question of the Minister of Culture and Recreation. Can the minister ascertain at this time whether the ex-

penses involved in the Wintario lottery have been in keeping with the 20 per cent projected by the ministry?

**Hon. Mr. Welch:** I'd be glad to get that information from the lottery corporation for the hon. member.

**Mr. Ruston:** What does the minister do?

**Hon. Mr. Welch:** We supported it.

**Mr. Ruston:** Does he play the accordion?

**Hon. Mr. Welch:** We asked them to run the lottery and I'm sure we can get that information from them. In case the hon. member in the back row didn't understand that when he voted for that bill, they run the lottery.

**Mr. Ruston:** The minister goes around playing the accordion. He is just going around in a chauffeur-driven limousine at the public expense and being entertained.

**Mr. Speaker:** We will have one supplementary.

Order, please. The hon. member for Wentworth.

Interjections by hon. members.

**Hon. Mr. Rhodes:** Not by helicopter though.

**Mr. Speaker:** Order, please.

**Mr. Good:** I have a supplementary to the original question.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Good:** When the minister estimated the expenses at 20 per cent of the take, how can he justify that in light of the fact that when anybody else but the province gets a licence from the Ministry of Consumer and Commercial Relations to operate a lottery, the limit is 15 per cent for expenses, otherwise the police move in and want to see the books?

**Hon. Mr. Welch:** A part of that 20 per cent commission is to the retailer.

**Mr. Good:** It is the same with anybody else; they have retailers too.

**Hon. Mr. Welch:** I'll get that information.

**Mr. Speaker:** Order, please; will the hon. member for Wentworth continue with his question?

**Hon. Mr. Welch:** When the hon. member for Waterloo North gets that information, then he can ask further questions.

**Mr. Speaker:** Order, please.

**Mr. Sargent:** The minister should know.

**Mr. Speaker:** Order, please. We're at the end of the question period. I had called the member for Wentworth earlier, so we will allow him to ask his question.

#### HOME OWNERSHIP MADE EASY PROGRAMME

**Mr. Deans:** I have a question of the Minister of Housing who is hiding behind the member for High Park.

**Mr. D. W. Ewen (Wentworth North):** Get him to sit down.

**Mr. Deans:** Would the minister tell me who is this Peter Martin who works for the Ontario Housing Corp. of the Ministry of Housing, who thinks that moderate income people in the province earn \$20,000 a year and who goes around saying: "Buyers of houses under Home Ownership Made Easy are fully protected under terms of agreements between Ontario Housing Corp. and the builders." Who is this man who obviously knows so little about either income levels in the Province of Ontario or the terms and conditions that exist between Ontario Housing and the builders under the HOME programme?

**Hon. Mr. Irvine:** Mr. Speaker, Mr. Martin is a very capable, intelligent and very honest civil servant who is the director of the Ontario Housing Action Programme.

**Mr. Deans:** Does the minister agree with him in either or both of those statements?

**Mr. Speaker:** Is there a yes or no answer?

**Hon. Mr. Irvine:** I was just going to say I didn't hear all of the quotation because—

**Mr. Stokes:** Yes and no.

**Hon. Mr. Irvine:** —of the noise. I'll have to take it under consideration.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

**Mr. Ewen** from the standing administration of justice committee reported the following resolution:

**RESOLVED:** That supply in the following amounts and to defray the expenses of the Ministry of Consumer and Commercial Relations be granted to Her Majesty for the fiscal year ending March 31, 1976:

#### Ministry of Consumer and Commercial Relations

Ministry administration programme .....	\$ 2,913,000
Commercial standards programme .....	10,793,000
Technical standards programme .....	5,592,000
Public entertainment standards programme .....	6,154,000
Property rights programme ....	13,495,000
Registrar general programme	2,169,000

**Hon. Mr. Handleman** presented the annual report of the Ontario Racing Commission for the year 1974.

**Mr. Roy:** That is great, just when his estimates are over.

**Mr. Speaker:** Motions.

Introduction of bills.

**Mr. Foulds:** Mr. Speaker, on a point of order, if I may.

**Mr. Speaker,** today—and I wish he were here now in the House—the Minister of Natural Resources informed the House that he has in his budget only \$170,000 for the moose management programme and that he is likely to be able to spend only \$130,000 of that money. I would like to point out to you, sir, that on Feb. 21, 1975, in a public statement to the 47th annual convention of the Ontario Federation of Anglers and Hunters, the minister said categorically,—and I will get to the point of order in a minute, if I may—

**Mr. Speaker:** At the present time I point out that there is not a point of order. There is nothing out of order. It is just a debate at this time.

**Mr. Foulds:** Mr. Speaker, at that time the minister categorically said that \$440,000 had been allocated for moose management. What I am seeking from you, sir, is how I, as a member of this Legislature, come to grips with this problem without calling the minister a liar and being named?



**Mr. Speaker:** Order, please. It would be an appropriate question to ask the minister. I can't answer that question; I can't take part in it.

**Mr. Foulds:** Mr. Speaker, I am not asking a question of the minister; I'm asking of you how that kind of misinformation can be righted in this chamber?

**Mr. Speaker:** Order please. It is more proper to ask the minister at the appropriate time.

Orders of the day.

**Clerk of the House:** The 12th order, resuming the adjourned debate on the motion for second reading of Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

#### SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT (continued)

**Mr. Speaker:** I am not aware who had the floor last. Is it the member for Sandwich-Riverside?

**Mr. T. P. Reid (Rainy River):** The member for Stormont (Mr. Samis) was next.

**Mr. Speaker:** Is it the member for Wentworth? Or is he finished?

**Mr. I. Deans (Wentworth):** I believe I actually did adjourn the debate, though I hadn't said anything at that point, so I'll be very, very brief. Maybe I won't be very, very brief; it just depends how I feel, I suppose, as I go on.

Like every other member of the Legislature, over this weekend I received a great number of communications from teachers. I received letters and telephone calls, they came to my constituency office to meet with me, and they've expressed some reservations about the bill which, frankly, I think are justifiable and I don't see any reason why they ought not to be paid heed to by the Minister of Education (Mr. Wells).

My understanding over the last 1½ years was that the ministry intended to bring in legislation which would create a more harmonious relationship between teachers and boards, and that it would regularize collective bargaining within the field of education in the Province of Ontario. I think that to a great extent—and the majority of people agree with it; I think most teachers would

agree with it—the bill has begun to do that. The content of the bill does, in fact, regularize collective bargaining and it is likely, given a chance, that much of what's contained within the bill will make the relationship between boards and teachers, and teachers and the Ministry of Education, and boards and the Ministry of Education, much more harmonious.

There are some boards around, mark you, that still cling to Neanderthal thoughts. The Wentworth board is a good example. The Wentworth Board of Education is still living in the dark ages; if not all of it, certainly some of the members. There was a recent report in the Hamilton Spectator attributed to two of the more prominent members of the Wentworth board, Mr. Ridge and Mr. Henry, and they indicated that they didn't think teachers ought to have the right to strike. I think it flies in the face of all reason and every sensible approach to collective bargaining, and I don't quite understand how people who hold those kinds of views can continue to be elected year after year, but that's a problem for the electorate in that area I suppose.

I do think, though, that the Ministry of Education has perhaps missed the boat in a couple of areas. I think if it is going to establish a more harmonious relationship then it should begin by understanding that it can't establish that if the first act of the bill is to divide teachers. It worries me; I've thought about it over the weekend; I spoke to the minister, in fact, on Friday evening when both of us were at the same function; and I thought more about it on Saturday and on Sunday, and I hesitate to say it, but it seems to me that the ministry is either purposely or inadvertently creating a confrontation where no confrontation need exist.

By removing principals and vice-principals from the terms of the bill which gives them the same rights as all other teachers, the ministry creates a situation where it will have a definite chance of discord and a lack of harmony within that school. Now, the minister can imagine what would happen in a school if it ever got to the point—and I hope it never does—where there might be a strike. He can imagine how long it would take to re-establish the good feeling, the sense of co-operation that may have developed, and ought to be there, between the principal, vice-principal and the remainder of the staff if the principal and the vice-principal were compelled by law to go into the school, to cross the picket line.

It may be, although I doubt it, that in the course of time, if any strike situations develop, you might find it necessary some day to take some other action. But it would seem to me, in the first instance, if you want to establish a good relationship, then we vest in all of the employees the same rights; that we guarantee principals and vice-principals the same rights as all other teachers in the system. And one hopes that by virtue of all of the other clauses in the bill that deal with the methods of collective bargaining, that we will never have a strike. If, indeed, a strike situation develops, we would then make an evaluation of whether or not it would have made sense to have had principals and vice-principals in the school—but we don't do it in advance.

What we do now is to set out the broadest possible terms, the broadest possible conditions and we give those rights to as many people as possible—and that includes those other people, principals and vice-principals. We try to ensure that there won't be any discord or lack of harmony develop.

So, what I'm really urging the minister to do is to look ahead and to recognize that if a strike should develop that difficulties will arise; that there will be a loss of contact between the principals and vice-principals and teachers. By legislation, the minister will have put them on opposite sides of the fence. By legislation, he will have required one to cross the picket line of the other. He will have created unrest. He will have created a situation in which trust is deteriorated, and he ought not to do that.

The minister should give it a chance; let it work the other way first. Make available to all people the opportunity to strike if they feel that conditions are so unacceptable to them that they must withdraw their services. Put don't, for heaven's sake, under the guise of trying to create a better system, create a confrontation within the system that currently exists.

In all fairness, it is bad enough to have the teachers in confrontation with the board, but that is understandable. It is bad enough to have the teachers in confrontation with the Ministry of Education, but that is understandable. But don't break it down to the point where half a dozen or a dozen teachers in one school are faced with the possibility of setting up a picket line, and two of their colleagues are required by law to cross that picket line.

Don't set it up in such a way as to make it necessary for the principal to become simply an administrator and no longer part

of the teaching team. Don't set it up in such a way as to deprive those people of the opportunity of developing over a long period of time a good relationship and then destroy it because of one misunderstanding between the board and the collective bargaining agent for the teachers.

The principal and vice-principal, if they are required to go into the school, can do very little anyway. They certainly can't undertake to teach the children. Since the government has given teachers the right to strike, the schools are not going to continue to operate during the strike period. Therefore, to create a conflict in a situation for which there is no reason doesn't make sense to me. And I would ask the minister to give it a trial. Put it the other way. Allow the principals and vice-principals the same rights as the remainder of the teaching staff, and see if that won't work better. The minister is then guaranteeing himself that he is not going to be creating conflicts where no conflicts need have existed.

I also want to suggest that the whole matter of extracurricular activities—I think the minister understands what's going to happen. Teachers, because he has included extra- and cocurricular activities in the context of the bill, are going to be extremely reluctant to involve themselves in that aspect of their lives; they're going to be very reluctant. Particularly in years when negotiations are taking place and in years when there may be the possibility of a conflict developing, it will be very difficult for the teacher even to volunteer at the beginning of the year to involve himself or herself in any of the things which would be considered to be extracurricular at least.

It will be hard to get teachers to volunteer to take on the drama club; to take on the basketball team; to take on the extracurricular physical activities related to the growth of the children in the area and that school. Therefore, what is likely to happen is that rather than making it easier, the minister is going to make it more difficult. The teachers are going to be faced with a decision on day one as to whether or not they will volunteer their services and their skills for other than the things for which they are being paid. They recognize that the minute they volunteer and the minute they involve themselves, at that point, they're locked in and if they choose for whatever reason to withdraw from that particular involvement, they will be considered to be withdrawing services under the strike clause.



That's what the interpretation is and I think in all fairness, if that isn't what the bill says, let's try to make sure it's very clear.

**Hon. T. L. Wells** (Minister of Education): Some people say it is that by—

**Mr. Deans:** Okay, let's be fair about it. If there are people who interpret it that way, let's rewrite the section so it makes it abundantly clear that's not the intention.

(The minister can see what I am saying. If that were to be interpreted that way, the likelihood of any person in the teaching profession involving himself in extra- and co-curricular activities—I think we have to have a clearer definition, by the way, of what is considered extracurricular and what is co-curricular. I think we have to have that clearly defined in easily understandable language so that any person, whether in the school or out of the school, required to interpret the action of a teacher or a group of teachers in any given situation, can interpret it in keeping with the intent of this Legislature rather than interpreting it, sort of willy nilly, across the province.

The other matter which seems to be of some major concern—and I understand that—is termination date. Everything has a termination date, there is no question about that, but I think, aside from the fact there is a sense among the teaching profession of some kind of uniformity being established—some kind of lock-step operation as they put it—another problem arises. If the minister is going to have all the contracts expire on the same day, he is going to put a very heavy load on his conciliation and mediation operations. Over the Province of Ontario, given the vast number of boards which negotiate, if the minister is going to have a conciliation and mediation service which will be able to meet, reasonably expeditiously, the demands of the various boards and teacher groups for assistance, he is going to have to have a very large operation if he has them all terminate on the same day. It would seem to me that the suggestion of my colleague is a very valid suggestion—that it be staggered twice a year, perhaps, to ensure this will work the way we intend it to work.

I don't know how many boards there are—how many boards are there?

**Mr. J. F. Foulds** (Port Arthur): There are 175.

**Mr. Deans:** If all 175—or even, let's say half—of the boards found themselves in a situation requiring the services of mediators or conciliation people, it would severely tax

any reasonable structure set up for that purpose, to enable them to have people available out in the field and doing the job they're being paid to do in every case. There would be undue delay and the undue delay would cause unrest and it would likely lead to strikes rather than help to avoid them.

I really do urge the minister to give some thought to that, that we should perhaps set two dates for the termination in order that we don't overtax the mediation conciliation services and in order that we don't do the very reverse of what we are hoping to accomplish, delay unnecessarily any decisions or any available assistance in the whole negotiation process. If that were to be the case, then I think it fair to say that that would prove to be much more exasperating and would likely be conflict creating rather than conflict avoiding. I think the minister has to bear that in mind as he goes through the sections of the bill.

I don't know whether the minister gave a lot of thought to those three sections. Perhaps he did. Maybe he has very good and sound reasons for having put forward the suggested legislation that he has, but I would certainly be interested in hearing what that is.

I would like to know clearly how the minister thinks it possible to maintain that good relationship among all of the staff if he is going to hive off two or three out of the total number and make them walk across the picket line in the event there's a strike. I would like to know how he then hopes that those relationships will be re-established in the way that they were previously—that the good feeling between employees will be re-established.

I would like to know more clearly what the minister's interpretation is of the extra- and co-curricular activities, in order that we can clearly understand them. I know, for example, I spoke at some length with one of the teachers who teaches in the physical education department. She said to me that she is already having some real difficulty in getting people to volunteer. She is having trouble getting volunteers for a number of extra-curricular activities that are carried on in the various schools in the area. She said if there is any question at all about their volunteering for extracurricular activities, meaning that that then deprives them of the right to stop for fear of that being considered some form of striking, she just won't be able to get anyone at all. I think she needs that clarified, and so do I.

As I say, I do think the minister could create a lot of controversy and a lot of hard



feeling and he could, in fact, create a tremendous burden on the staff he is going to have to employ if he has his termination date one day during the course of the year. I urge the minister to consider those aspects of it, because I think that they are probably real, they mean something to a lot of people; we are all eager to see harmony, we all want to see the system work well; we want to try to avoid the pitfalls before they occur.

We want to look ahead and try to imagine what might happen within the system, given that it came to that ultimate point when a strike was inevitable—and I think every one of us in this House hopes that that will never occur although we understand realistically that there will be such times. I think you have to look ahead and try to imagine the situation then and how the people in that situation will respond to the legislative dictates of this House in this bill. I think it's fair to say that the way I put it to you is likely to be the way that it will occur. And let's not create any conflict if we don't have to.

There are other things in the bill to be dealt with during the discussion in committee, but I think otherwise the majority of people who have spoken to me are fairly happy—happy that teachers should have the rights that other people in society enjoy. And I don't think for one minute that teachers will abuse those rights. I don't think so.

When I look back and I think of what has taken place over the last year, there has been a great deal of exasperation shown, but I think it has really been that they have been upset by the fact that they couldn't really come to grips with what were the major problems confronting them.

Maybe we have helped to solve those things in this bill, but I always like to feel this about it, Mr. Minister: When I trust my children to those teachers, then they are intelligent, sensible and sensitive people. They understand the impact of disruption of the service. They understand the effect that it has on children and they don't take it lightly—and they have never taken it lightly and they are not going to take it lightly now. I believe they're going to fulfil their obligations just as other sectors of society fulfil theirs. I feel we might inadvertently create problems where we need not, and I ask the minister to consider changing the legislation along the lines I've suggested.

**Mr. Speaker:** The hon. member for Nipissing.

**Mr. R. S. Smith (Nipissing):** Mr. Speaker, I just have a few comments to make on this

bill. I suppose by this time that whatever anyone says begins to become repetitive, but I would like to express my thoughts in regard to Bill 100.

Certainly it is a breakthrough in providing a type of negotiations which has not existed before, and providing a means by which those negotiations can take place between the teachers and the board. For the last two years in particular, there has been a growing need for some type of legislation and there has been an expectancy not only on the part of the teachers and the boards, but of the general public as well. The minister has added to that expectancy about every three months by announcing that the bill was coming within a week or two, but we kept waiting and waiting. Finally, I suppose, it becomes almost a political necessity either to bring in the bill now, or have some other minister bring it in later on.

In fact, the bill in many areas is supportable and there are some innovative procedures that are part of the bill that certainly the minister can be proud of. Once they're put into place and are working, I believe they will be taken up by other parts of government, in particular the Ministry of Labour, where some of these innovative methods may be placed within the Acts that govern regular bargaining in other areas.

The two most controversial issues that have arisen have to do with principals and vice-principals not being included with the teachers in the right to strike. I, for one—and as expressed, I presume, by the previous speakers from my party and the party to my left as well—see the principal not particularly as an administrator within the school.

I think we have an administrative staff in every board of education across this province. They are all paid big money, in the \$30,000 and \$40,000-bracket, for providing the administration for the boards of education. I believe that these are the people who administer the school system. Obviously, if there are two layers of administration, one which is centralized usually in an office where they seem to go around in circles and try to find things to do to administer, and another that is spread out into each school itself, consisting of principals, I think one develops a situation where there's an overlapping of service, to put it as mildly as I can, and a waste of money that is almost incomprehensible when one looks at the salaries that are paid to the people who are supposed to be the administrators and the superintendents and whatnot in the school boards that have been established.

Beyond that, there are ministry regional offices where there are usually 18, 20 or 30 people involved—there are 30 people, I think, in a rather small one that I know of—in administration of the school system. Many of the principals and the vice-principals I have talked to have had some difficulty finding those people at times. It's very difficult to see how that system fits in with the present administrative staff at the local level.

We thought when the government formed the regional boards that this would ultimately do away with what used to be called provincial government inspectors, but now are called some other name such as—

**Mr. D. M. Deacon (York Centre):** Supervisors?

**Mr. J. R. Smith (Hamilton Mountain):** Superintendents?

**Mr. R. S. Smith:** No, supervisors. They give advice to people on how to do things and all these kinds of things. Really, the bureaucracy has grown beyond itself—

**Mr. J. R. Smith:** Will the Liberals close them all down?

**Mr. Deacon:** The Liberals will get these people working right in the classroom.

**Mr. R. S. Smith:** The Liberals would reduce the staff in those areas considerably, I'm sure. The member asked the question; I gave him an answer.

The minister knows that there was some question about closing down an office in my city. Of course, if we are going to have them, we are going to have them in every area; and that is the case right now. Not only is it the numbers that are spread across the province, but it is also the amounts of money that are spent in these offices, because when one looks at it, it amounts to a total administrative cost that has more than tripled over the past five or six years within this ministry. Therefore, to consider the principal or the vice-principal as further parts of the administration of education is almost ridiculous.

The principal and vice-principal certainly are a part of the teaching staff of the school. To have it any other way, I believe, would cause a disruption within the school, particularly after a period where teachers may choose to withdraw their services legally under this Act. At that time, if the principals and the vice-principals were by this Act not included within that group that are able to withdraw their services, after negotiations had

come to a conclusion and the schools reopened or the teachers had gone back to work, I think there would be an untenable situation between the teacher principal and his colleagues within that school to the extent where the minister may find himself having to shuffle principals and vice-principals around from school to school to find where they could work in co-operation with the teachers in that school again. Therefore, I think that section 64 can lead to nothing but disruption.

The second area I want to cover is the same area that most other people are covering; that is, section 1(1)(iii), which reads: "Discontinuance of the cocurricular or extracurricular programmes in a school or schools."

On the weekend, I met with a number of teachers in my area, as well as a number of vice-principals and principals, and many of them were unaware of the term "cocurricular". They certainly understood what extracurricular was. They don't know where the term cocurricular came from, unless it was from one of those people who's being paid so much money to come up with ideas that they have extracted a new term from somewhere and included it in this Act.

In the Act there is no definition of cocurricular or of extracurricular, and of course without those definitions that section could become almost oppressive in its application towards individuals or towards teachers as a group within a school or within a system.

I have looked at it, and the minister has apparently indicated outside of this House, although he hasn't indicated here, that he is asking the teachers' federations and their separate groups, particularly OSSTF, I suppose, to provide to him something that would be workable and could take the place of section 1(1)(iii).

I would suggest to him that they have all been trying to think of this and to come up with some other suggestion, but the only plausible suggestion that seems to come forward, since there is really no description of cocurricular or extracurricular which could be universally acceptable to boards, teachers and to the public as well as to the ministry which, in this case, really should come last. It is not governing for itself; it is governing for the people in the province for a change. The only solution to the problem as I see it and as I would put forward is the complete removal of that part from the Act.

I believe the teachers and the trustees across this province are prepared to live with things as they are in that area. They have



lived with things as they are for a good long time and I think there is goodwill on both sides, particularly with the introduction of this Act. It will bring back goodwill on both sides which will be acceptable. If this section is removed the extracurricular programmes will continue in our schools and the teachers, because of their professionalism and the position they have taken in the past, insofar as the students are concerned, will continue to provide those extracurricular activities necessary for the functioning of any school.

There is no doubt that a school can't function properly without extracurricular activities because the students are not only being educated in the narrow sense within our system but the extracurricular activities which take place are perhaps as important in the broad sense of education. I believe the teachers and the boards are able to continue as they have in the past without the restrictions placed on that co-operation by this Act.

It appears to me the minister is taking the stand in this section that teachers will cause slow-downs or withdraw their services as a method of abuse rather than as strike action during those periods when it is allowed. I believe this in itself is an indication of the mistrust which has grown up between this ministry and those it serves, including the public. I believe the inclusion of this part in the Act is saying to the teachers, "We don't trust you to operate within the other constrictions this Act will impose. You will go and find some other way to create havoc within the schools or within the system." I believe the minister has a responsibility to remove that to show his good faith, insofar as his bargaining or his agreements with the teachers through the boards and through this Act are conceived.

Those are the two things I would suggest very strongly to the ministry. I would suggest it is the intention of our party to have amendments in those two areas when the bill goes to committee.

There are a number of other areas I won't touch on because other people have spoken about them, including my leader, in regard to the right of teachers to control their own profession. I think this is a very important step which has to be taken in the very near future because it is one of the few professions left without any form of self-control and in which government intervention controls the profession itself. I don't think, when one looks at the freedom the other professions have, even though in the last few years restrictions have been placed on them by the inclusion of public input on their boards of governors,

that the same method could be used for the self-control of the profession.

Those were the only few remarks that I had to make, Mr. Speaker. I'm sorry that most of them, I suppose, were repetitive. But I think that after the first two or three speakers in this debate, most of it has been repetitive.

**Mr. Speaker:** The hon. member for Stormont.

**Mr. G. Samis (Stormont):** Thank you, Mr. Speaker, and at the risk of further aggravating the repetitious aspect of this debate, I would like to make a few comments on this bill.

I have somewhat personal involvement in this bill, having been a teacher for the past seven years—until last Oct. 17, when the people of Cornwall decided to send me to Toronto. I do have rather fresh and vivid memories of 1973 with Bills 274 and 275. I want to commend the minister for having replaced the three Rs of those two pieces of legislation with the three Rs of this one. As did most teachers in Ontario, I thought the Rs in Bill 274 and Bill 275 repressive, regressive and repulsive.

Let me say that if the minister is going to accentuate rights, reason and responsibility in their place, as a teacher and a member of this Legislature I wholeheartedly welcome the change in attitude. Instead of trying to spite or avenge a particular group, or isolate them in society, I think this bill represents a tremendous change in attitude on the part of the minister and the government. I congratulate him for trying to take a constructive and a positive approach towards the difficult and rather complex question of teacher-board relations in the Province of Ontario.

Before going into the actual bill, Mr. Speaker, and some of its provisions, I temper those congratulations with certain press comments I have noticed, especially from pseudo-sophisticated, self-anointed Solons of our society who parade under the banner of the *Globe and Mail*. I refer specifically to an editorial on Saturday, May 31, 1975, immediately following the introduction of this bill.

As I said, I think the minister's intentions were good and he is taking a very constructive approach in this whole field. But it gets rather monotonous and aggravating for teachers, as well as legislators, to have to listen to the constant reminders of the 19th century, the reactionary voice of the editorial board of the *Globe and Mail*. I'll just quote a few of their statements, which I think indicate their attitude and which I regard as anything but constructive in contrast to the legislation.



They use such expressions as, for example: "What it does is codify confrontation." Further down in the editorial, they say: "Instead of caving in to the teachers, Mr. Wells should have commissioned his fact-finders to find alternative methods to a strike for achieving fair settlements."

They say that teachers have a monopoly and that the public has no alternative to their services. They talk in terms of teachers having an absolute monopoly, with no controls whatsoever. They wind up the editorial by saying: "What has been done is wrong in principle and will turn out to be wrong in practice."

Mr. Speaker, that is the last sort of thing we need in this debate, in trying to improve the situation in Ontario, this uncompromising, unrealistic, rather regressive reactionary attitude is personified by the commentators or editorialists of the *Globe and Mail*. I am glad to see that the Conservative Party has not succumbed to the editorial influences of the *Globe and Mail*. Instead, it is trying to do something constructive for the good of all the people of Ontario, and not just the editorial board of the *Globe and Mail*.

There are certain positive features of this bill, which I think have already been outlined by our educational critic that we welcome. Giving teachers the right to strike. Obviously that scares some people, but it is something we in this party believe, not as a question of opportunistic electoral politics but as a matter of principle.

Teachers deserve the right to strike. Teachers are part of our society. It has always amazed me that most people don't begrudge other sectors of our economy or society having the right to strike. It always amazed me that the perennial put-downs in our societies, garbage collectors or ditch diggers, had rights that I, as a teacher, supposedly a professional, was denied because I worked in the public service via the school board. So all this bill is doing in that respect is giving teachers equal rights with other sectors of our society; something that is long overdue and something they richly deserve.

I would like to say, Mr. Speaker, that teachers are not reckless, irresponsible and strike-prone people. Teachers realize the implications of a strike. They feel it in their pocketbook.

I would dare say most teachers are extremely reluctant to resort to the strike weapon possibly more so than other sectors of our society. This is because of their conditioning, because of the constant emphasis on pro-

fessionalism, and possibly because of a certain anti-union bias which sometimes comes through among certain segments of teachers. I would say that when teachers are given this right, I think we can expect they will respond in a manner befitting the responsibilities of a teacher and a professional.

The second thing I welcome in this bill, Mr. Speaker, is giving teachers the right to negotiate conditions of work. I think, again, this is something long overdue. It always amazed me, being a teacher, that for the so-called perennial garbage collector or ditch-digger or anyone in a mill or a factory or most jobs, it was considered an inherent right to negotiate conditions of work as well as salaries; whereas we, as teachers, were always told it was beyond our prerogative or beyond our rights within society to negotiate such things.

That's a lot of bunk and I'm glad to see the minister has recognized it for exactly what it is and has given teachers the rights they so richly deserve. If we're really interested in the quality of education, surely such vital issues as the size of our classes, the number of periods a teacher is expected to teach and basic conditions in the school are negotiable items. If this is a team effort in terms of education, surely the teachers have an input and surely the teachers can be constructive in that. I'm glad to see the quality of education, as personified in the conditions of work, now becomes a negotiable item.

The third thing, I think, which is constructive in the bill is the new method introduced by the minister with reference to the question of withdrawal of services or a strike. I congratulate him for introducing such ideas as the fact-finder; the Educational Relations Committee; and final-offer selection. The minister has shown some degree of initiative and originality in trying to cushion the effects of a possible strike, in trying to delay it and trying to make it something a little more difficult than the general public would assume.

I would only hope the people on the *Globe and Mail* and some of the sensationalist members of the media would take note of the fact that it will not be easy for any teacher to go on strike, or any group of teachers to resort to the strike weapon. It can be quite difficult; teachers will obviously have to think twice between secret ballots, fact-finders, final-offer selection, the cooling off period and all these various other steps. It won't be easy for teachers to go on strike and they will obviously think twice about it.

I think these features of the legislation, which give the public some degree of assurance, are reasonable. I congratulate the minister for doing that, although obviously he can go a little too far if he interprets it to the extent that he just wants to frustrate the teachers.

However, I do have some reservations about the bill, some of which have already been spoken about before, and no doubt will be spoken about afterwards as well. The basic one, obviously, is the one I've received the most mail on; That is denying principals and vice-principals the same rights as teachers in section 64.

Having been a teacher, it is obviously important that if the principal is going to have the confidence of his staff, and vice versa then they're going to have the very deep feeling they're working together on this; it is a joint effort, or team effort, within the confines of the school.

Other speakers have already mentioned the whole concept of a head teacher. I think that's widely accepted in education. Other speakers have mentioned the possibilities, if this bill goes through as it, in the event of a strike; that is the educational impact of having the teachers on one side and the principals and vice-principals on the other side. Obviously, it is going to divide the staff bitterly.

I think it's very unfair to the principals themselves. They have a tough enough job as it is but it will be further complicated by always having that spectre raised at negotiation time, as to whether the principals will be on the other side, will not be with their teachers. They are in the same bargaining unit, they belong to the same teachers' federation; they should have the same rights as the teachers.

Mr. Speaker, I would like to read into the record some mail I've received from principals outlining their objections, and I think they're very well founded. One is from a high school principal and I'd like to read a portion of his letter:

It's difficult to reconcile the stated purpose of Bill 100, "the furthering of harmonious relations between board and teachers," article 2; with article 64(1) of this bill which, in my view, is aimed at destroying the harmonious relations between principals, vice-principals and their teachers by separating and dividing both parties at a time of crisis, strike or a sanction. If the most important and basic unit of the educational system is the school and if mutual trust and truth and a con-

genial atmosphere is to be maintained in that basic unit, then the principals and vice-principals ought not to be considered only as essential employees at the time of a strike—the management in other words—but ought to have all the rights, privileges and responsibilities accorded to their colleagues under that Act.

That was from a high school principal; I have one from a grade school principal which expresses the same view:

As a principal I am adamantly against section 64 which separates principals and vice-principals from teachers and gives them a solely management role.

If the principal is to function successfully as the co-ordinator of a theme which is working for the educational benefit of the children, then he or she must not be set apart from the teachers, as this legislation proposes to do. Of what benefit will membership in a branch affiliate be to a principal or a vice-principal if he or she is denied the right to vote.

It is hoped that these matters will be brought to the attention of the Minister of Education so that necessary changes can be made in the legislation.

I have one interesting one, Mr. Speaker, from a teacher commenting on this aspect of the legislation. He says:

As a teacher, I view my principal first as a fellow teacher, than as middle management. He's a member of my professional affiliate. This section effectively separates him from the ranks of teachers and can lead to deterioration of the school harmony that we now enjoy.

The principal can appoint a responsible person to ensure the safety of children in the event of a strike. This was the case in 1974 and I believe it was handled satisfactorily.

That is a teacher commenting on this particular thing. Here is one final one from a sister who is also a school principal. She says:

I deeply regret that Bill 100 had to be formulated in order that collective bargaining could be carried out between teachers and school boards. Since the word "strike" has entered the vocabulary of the teaching profession I question why principals and vice-principals are not allowed to do so. A principal is only as good as his staff is. If he is set apart as the bill states, he can no longer function effectively.

All I would say, Mr. Speaker, is that if principals feel strongly—and I am sure they do,



all across the province, in all 117 constituencies—that the bill is going to compromise their effectiveness within the confines of their own school and as people participating in the educational process, I would ask the minister seriously to reconsider that particular clause of the bill, taking into account the effect it is going to have on education. I realize some of the political ramifications involved, but I ask him to consider the educational ramifications in the school with the teachers and with the principals.

The second feature of this legislation that we in the NDP have reservations about, as already expressed, is the idea of a uniform terminal date for all contracts. I think it has already been pointed out by several speakers that this is rather unwieldy. It puts greatly undue pressure on the mediator, the fact-finders and the entire staff within the province. I think to a certain extent it also reduces the local autonomy within the confines of the school board and the bargaining committee, because if we have almost uniformity as to Aug. 31 in terms of trying to settle, then obviously the bigger boards will set the pace and the smaller boards will drag along and in effect lose some of their autonomy.

I think diversity is a good thing, Mr. Speaker, in terms of educational policy; diversity in bargaining, I think, is a good thing. There certainly are different conditions in the north as compared with Metropolitan Toronto. There are some variations in eastern Ontario as well that should be considered. Again I would ask the minister to reconsider the idea of this type of uniformity for all of Ontario. We can have diversity and yet still have a form of unity within the confines of the legislation with suitable amendments.

I would hope we are not evolving toward some system of provincial bargaining as well. As a teacher I am rather concerned about the possible implications of provincial bargaining, having seen how the teachers in Quebec suffered so badly from provincial bargaining. There the provincial government used its power in every possible way to defeat and to pretty well destroy the teachers' federation in the late 1960s. I wouldn't want to see that happen here in Ontario. I don't think that is the intent of the bill. I would hope that if we amended this clause we would get away from even that possible confrontation or showdown. I am sure the teachers don't want it; I am sure the government doesn't need it; and I am sure the taxpayers don't want it.

I have a final reservation, Mr. Speaker, about the whole question of defining what is a strike, as already alluded to by the member

for Nipissing. I would object to the idea that a slowdown in the performance of one's duties is on the same level or equivalent as a withdrawal of services, because it certainly isn't. I would dare say that the Ontario Legislature would frequently be defined as being on strike, if we applied that definition to some of the proceedings and some of the procedures we endure here in the Ontario Legislature some days.

More important, obviously, are extracurricular activities, and a variety of speakers have spoken on that as well. Again I would like to express, as other members have said, that it is a voluntary thing. Any teacher who wants to get involved in sports, drama or anything else is doing it on a voluntary basis. It shouldn't be part of a negotiable contract whatsoever. It should be left on a voluntary basis. I would ask simply that the minister withdraw that clause altogether.

I think the principals, the school boards and the teachers would be far better served if that particular clause were withdrawn totally from the bill and if we were to leave it on a voluntary basis so that those who wanted to get involved would do so because of a personal commitment to the students, to the activities, to the schools or to their own particular interests. If we start bringing it within the realm of a contract, or some degree of negotiation, I think we are compromising the personal commitment a teacher makes when he gets involved in voluntary activities.

I have also had numerous letters expressing some degree of concern about the appointments to the Education Relations Commission. I would hope the minister, being the responsible and honourable person that he is, would give suitable representation to all viewpoints. I realize the idea of a 2-2-1 split obviously has very basic perils involved in it. The member for Port Arthur has suggested five eminent people of the type and character he thinks would make good members. I would obviously endorse his recommendations, but I would also ask that we exercise those responsibilities and powers with great caution and care because of the potential power of that commission.

I was also asked by a member of the federation in my own constituency about the real value of the arbitration proceedings if all this is to be done within the confines of spending ceilings. If we are going to have true arbitration, is it really arbitration if we still maintain those educational spending ceilings? I would hope that would also be considered.



In conclusion, I welcome the basic changes in the bill. I hope that amendments or modifications are made in at least three areas. I would say that if the minister is really serious about imposing rights, reason and responsibility as the basic philosophy behind board-staff relations for the next five years in the Province of Ontario, we in this party will heartily endorse the change. As I say, I am sure that in committee my colleague from Port Arthur will propose a series of amendments, not to slow down the passage of the bill and not to be obstreperous in any way, but to make this a better bill and provide a better deal for the teachers of Ontario. Thank you, Mr. Speaker.

**Mr. Speaker:** The member for Rainy River.

**Mr. Reid:** Mr. Speaker, I will be very brief. Most of what I have to say has already been said, but I think it bears repeating. It's rather interesting that it's some 18 months since we were first told in this House that we were going to have such a bill. It has been a political football, batted back and forth, by the minister particularly, for some 18 months. I must admit I find I have to say something nice about the minister—

**Mr. A. J. Roy (Ottawa East):** And that's not easy.

**Mr. Reid:**—even after he has put it off for 18 months; but at least he has shown himself capable of flexibility in changing his mind and performing a 180-deg turn in this matter.

We in the Liberal Party support the bill because we feel it's going to improve the quality of education in the Province of Ontario. Some of us, at one time or other, have been school teachers, myself included, so I think some of us speak with some experience in this matter.

Before I speak to the principle of the bill, there is one matter in particular that bothers me somewhat; it's the method used by the minister—at least he has to accept responsibility for the presentation of the bill, supposedly to the teachers and I assume also to the trustees.

We all read the news reports about the bill being left in a room in the Royal York, I believe, and how one of the reporters just happened to have seen the bill. Of course, we saw the trial balloon come out in the papers and everyone, including the minister, was looking very smug about it and saying: "My goodness gracious me, how did that ever happen?" Of course the minister, without putting his neck on the line, got public re-

action to the bill without taking too many political chances. If that wasn't the case, the alternative is that there are very sloppy people in the ministry who supposedly can't even keep track of one copy of a bill.

**Hon. Mr. Wells:** Not in my ministry.

**Mr. Reid:** It wasn't that ministry. One thing bothers me somewhat—and I must say this is a conundrum I haven't been able to get straight in my own mind—and that is the need and the requirement to discuss with the people most directly affected by legislation what we are going to do; to get their ideas and feelings on it before it is actually presented to the Legislature. And, of course, the antithesis of that is that it's been the practice and tradition in the Legislature, the House of Commons and so on, that the bill is presented to the Legislature first and that we, as elected, responsible members—elected from the whole province and responsible to the people—should give our views on that particular piece of legislation.

I find it almost an abrogation of the privileges of the Legislature that in this particular case this bill should have been made available, whether on purpose or otherwise, to people who are not directly responsible to the people of the province. I received a communication, as a matter of fact just today, from one of the school boards stating they were most upset because one of their teachers came to them and said, "I've seen a copy of the bill and this is what is in it;" whereas the trustees on the school board were not aware of what was in the bill.

At least this was their comment; perhaps it was because the trustees weren't told by their board what was in the bill. But I think there's a very delicate and sensitive question there and I think the minister should make some report to the House on just how this particular event happened. As I say, I agree with the principle of discussing with those people what should be in the legislation, but it seems to me an abrogation of the privileges of all of us in this House that the bill itself, or a draft copy of the bill, should be made available to others before it is presented to the House.

**Mr. Speaker,** the two things I want to mention particularly, and they've been touched on by pretty well every speaker so far, are the clauses dealing with the principals and vice-principals. It seems to me that by the legislation the principals and vice-principals are really neither fish nor fowl. In section (a), I believe, it says they are going to be part of the bargaining unit, and yet in

section (b), in the case of a strike or lockout, they are management people for the intents and purposes and spirit of the Act. On the one hand the bill is saying that as far as collective bargaining goes, as far as the relationship of principals and vice-principals to the teachers and the school goes, they are part of that bargaining unit; and then we turn around and say, but in the case of a strike or lockout they are, in fact, management people.

I would say to the minister that this is an ambiguity that can't be allowed to remain in the bill. It must be clarified and I think it must be clarified in the respect that if the principals and vice-principals are part of the bargaining unit, they have all the rights and privileges, therefore, of the other teachers in the bargaining unit, and that in the case of a strike or a lockout they are part of that bargaining unit that is on strike.

I say that for a number of reasons. The leader of this party, the member for Brant (Mr. R. F. Nixon) went through the historical connotations of this last Friday, when he stated that the principals originally were the driving force behind OSSTF. They feel and they consider themselves part of the bargaining unit, and that's the way they want it and that's the way they prefer it. It seems to me their desires and opinions in this matter should be respected and that, in fact, they should be part of the bargaining unit; and if there is a strike or lockout they are, along with the rest of the teachers, either on strike or, if the case may be, they are locked out; but in any case there is a unity there between the principals and the teachers. It has been said that the principals and the vice-principals are the premier teachers if you like, Mr. Speaker. I must say from my own experience, I did teach for two years in the Province of Manitoba on a letter of permission and for two weeks in the Province of Ontario before the election was called, so I have a little experience in this matter.

**Mr. Roy:** Vast experience.

**Mr. Reid:** I want to tell the minister what my experience was in the Province of Manitoba. I taught in a small school where we had a principal who was not, let us say, the best. He considered himself to be a little bit better than the teachers under him. To make a long story short, I won't go into the details, but very bad feelings developed between the teachers and the principal. As a matter of fact, it got to the point where some of the teachers, myself included, did some-

thing that I would think is almost unheard of, probably, in the Province of Ontario.

**Mr. Roy:** They went into politics.

**Mr. Reid:** We did those things too, but we won't go into it. What we did was we wound up going to one of the board members to tell him how bad the principal was. As a result, finally the board fired that particular gentleman as the principal in that particular school and he left that teaching division. The point of that is that while this enmity and bad feeling were going on between the teachers in the school and the principal, the ones who suffered were the students. I can remember, and I think we were responsible people at that time, there were constant meetings among the teachers. It got to the point where complete co-operation broke down between the teachers and the principal. We were at constant war with each other and the administration of the school and the quality of teaching just went down the drain.

I feel, Mr. Speaker, this is what is going to happen if, in the case of a strike or a lockout, you have the principals and vice-principals on one side and the teachers on another. You're going to get into this kind of enmity, this kind of bad feeling that is going, at some point or other, to lead to a downgrading in the quality of education because the co-operation, the mutual respect and the mutual appreciation of each other are not going to be there.

I've been involved personally in a number of strikes. It doesn't matter if there is prolonged strike, those feelings build up. It's a natural consequence of the strike itself.

Mr. Speaker, if you place the principals and vice-principals on the side of management against the teachers, it's going to be a long time within that school or that school board area before there is going to be co-operation and good feelings between the teachers and the principals and vice-principals.

I would strongly urge the minister to reconsider that section and to put the principals and vice-principals completely in the bargaining unit and say they are entitled to all the rights and privileges the teachers share in the case of strike or lock-out.

I must temper my comments, Mr. Speaker, with the indication that on the other hand I understand the position of the school boards. It's my impression that the school boards tend to look upon the principal as management's man in the schools. I can understand and appreciate their feelings and their problems in this regard.



I think, however, again I must say from my experience it's in the long-run interest of the students and the quality of education that the principals and vice-principals be part of the bargaining unit 100 per cent, particularly because they consider themselves so to be.

Many principals and vice-principals now are going back to teaching. Perhaps the minister has statistics. I know at least one case in my area of a principal who is going back to being a teacher. If he is put in the position or had been put in the position of being on management side, it would be extremely difficult for him to go back to being a teacher and being accepted on an amicable basis by his colleagues and peers.

The other matter I wish to speak on, Mr. Speaker, is the clause dealing with the voluntary activities within the school. This is a problem and I appreciate that. I can appreciate some of the thinking which has gone on in government circles or at least within the ministry. Surely the concept of people volunteering to do extracurricular activities, whether it be a drama club, chess club or the English teacher coaching the football team or the soccer team, whatever; these activities are done on a voluntary basis and they are done without remuneration. That is the first principle. The principle of volunteering must mean one can join in and one can opt out.

In other words when I was teaching English I volunteered to say, "I will be the director or producer or whatever for the drama club and provide as much guidance and direction as I can"—that was an interesting experience but I'm sure the minister doesn't want to hear about it. The point is that I volunteered; I had no remuneration for that particular activity. If I volunteer I should also have the opportunity and the ability to opt out of the programme.

It bothers me to see the provision that if these services are withdrawn this will be considered a strike. First of all I would think this is going to lead to the problem of people not volunteering for these extracurricular activities; or secondly, requiring a veritable minutia of detail within the contract by which these services are no longer completely voluntary but are voluntary in the sense that somebody says: "All right. I will coach the soccer team but I am going to put in X number of hours; I am going to be paid X number of dollars; and I will have all the rest of the perquisites and restrictions and requirements which go into any other labour contract."

I think it is going to destroy completely that sense of spirit and co-operation within the teaching profession if this happens. I would like to suggest that I think it is one of the strengths of the teaching profession and our educational system that teachers who are involved with the students, who want to donate their time, do it on a voluntary basis, without remuneration. I think the minister is going to completely destroy that kind of approach and attitude on the part of the teachers if he keeps this section in Bill 100.

Again, I have had personal experience with this matter. Speaking from my experience, I would hate to see this being done. I would suggest as strongly as I can to the minister that he is going to destroy one of the better aspects of education in the Province of Ontario if he continues with that section of the bill.

Primarily, that is all I have to say on second reading, Mr. Speaker. I want to emphasize that we in the Liberal Party feel this bill is going to improve the quality of education. We feel that the quality of education has been downgraded in the past due to a number of factors. We feel this is one step in the right direction toward improving the attitudes and the co-operation between the teachers and their school boards. We feel it will obviate many of the problems which we feel have been brought forward into public display for no reason at all other than the foot dragging of the government and the Minister of Education. We will support the principle of the bill and hope to see the quality of education in the province of Ontario improve at the elementary and secondary levels.

**Mr. Speaker:** The member for Scarborough West.

**Mr. S. Lewis (Scarborough West):** Mr. Speaker, I would like to address a few remarks to the principle of the bill, not at any inordinate length because obviously so many members of the opposition are in agreement with the essential principles that I needn't prolong it.

It's hard to discuss this bill—Bill 100—without some kind of context, some kind of perspective, and the perspective which strikes me most strongly and strikes my colleagues I think is the remarkable reformation which has occurred within the Conservative Party over the last 18 months. No one who took part in the historic debates of December, 1973; or who was at the Maple Leaf Gardens rally or on the steps of the Legislature; or who wandered about the province over the



last intervening period of time—and I guess all members of the Legislature have done that—no one could have believed then that this bill would be here now.

It speaks to an astonishing shift in attitude on the part of the government, which is largely laudatory, largely to be commended. I tried to ask myself why it has happened. I don't know whether the Minister of Education has assumed a sudden stature in the cabinet which he didn't have before, and, by sheer relentless persistence managed to overcome the resistance to change that existed. I don't know whether the minister was, himself, converted. I don't know the internal machinations of the cabinet, but there were only two basic motives which might have brought us from December, 1973, to June of 1975, to a complete, and unexpected, volte-face.

One motive is that the government understood and appreciated how important collective bargaining really was for teachers; were enlightened by the intervening events; were persuaded by their advisers and by the Minister of Education and, in good faith, came to the conclusion that responsible, legitimate and full collective bargaining for teachers was the only alternative. They were persuaded by logic, argument and reason. That is one possibility.

There is, of course, another possibility. They were persuaded, also, by the objective political truths. They sat in cabinet. They weighed the advantages and disadvantages.

There were those in cabinet who wished to hard line it. There were those in cabinet who saw the isolation of the teachers, and the denial of rights to the teachers, as an effective, if crude, political weapon. There were those in cabinet who said: "When you have 110,000 teachers mobilized, with a great deal of contact with the children and the parents; and when their cause has about it an elemental justice, we shouldn't take them on." In the struggle between the kind of hard-hat view of the world, and those who recognized the teachers were a force to be reckoned with rather than manipulated, happily the brighter members of cabinet, those with the more enlightened political views, won out.

I suspect, Mr. Speaker, it really was a combination of the two. There is, amongst some of the members of the staff of the Ministry of Education, and the minister himself—this is just an incidental aside; I always felt the minister carried the can—is that the phrase?—on the legislation in December, 1973, involuntarily.

He'll never admit it, of course. He's a loyal Tory into the breach, come what may. But I always had the sense that the Premier (Mr. Davis) and others were directing the minister to do a job of work which he didn't like very much, which he didn't handle very well because the pressures were just unrelenting, and which resulted in an enormous amount of difficulty and discomfort for the government. They made a series of what was then critical errors.

Somehow, sanity has been restored. I'd like to think, because the man has been maligned enough, that the Minister of Education had something to do with that restoration of sanity. I think the evidence is mounting that a realization that good-faith collective bargaining was the way you handled teacher-board negotiations, plus the political sense that it was wrong to drive the teachers to the wall as a device in a pre-election period, that those things together resulted in this startling change of attitude.

All you have to do is go back to Hansard, Mr. Speaker, and read the words of those Tories over there, one after the other, with hands on heart attesting forever that the teachers would be denied the right to strike; that it was morally wrong to give them the right; that there would be chaos in Ontario; and that they had to be dealt with severely.

**Mr. P. G. Givens** (York-Forest Hill): That was in December, 1973.

**Mr. Lewis:** When one thinks of December, 1973—my Liberal colleague for York-Forest Hill holds the Hansard in his hand. Talk about words coming back to haunt you, Mr. Speaker: Very few of us are so uncharitable as to read back to the members what the government said on that occasion.

**Mr. Givens:** They said: We think that binding arbitration is the way to settle this particular matter."

**Mr. Lewis:** Those were in the days of darkness when they were all ensconced in Valhalla, and now that they've crept to the edge of the tunnel—mind you, Mr. Speaker, they won't be re-elected—but now that they've crept to the edge of the tunnel and there are a few rays of light blinding them, they have come around.

Interjection by an hon. member.

**Mr. Lewis:** I'm not going to dredge up all of the rhetoric of the past, but my goodness it must be embarrassing. I mean, surely those bound volumes of Hansard will disappear

from the shelves one day, never to be restored, lest historians wish to exhume them for footnotes.

The teachers are to be commended—this is important to say—for the battle they have waged over the 18 months. The New Democratic Party hasn't always agreed with them, and we've said so. We've often been impatient with them. My colleague from Port Arthur has often said so. But we've respected the battle they fought and what they have won.

There are very few other examples in recent Ontario history of a particular group taking up the cudgels for itself and responsibly, but tirelessly, changing the government's mind. That the teachers have done; and I think that members of the opposition have done it as well. It just shows, doesn't it, that the parliamentary system works. There is fantastic frustration on this side of the House over many matters, but it really does show that the combination of the public pressure, plus the legislative opposition, can make this system work.

Believe me, this bill is a living testament to the way in which the parliamentary apparatus, for opposition and public alike, can bring even a massive majority to a sensible frame of mind. I was going to say to its knees; they won't be there until later in October.

**Hon. Mr. Wells:** How much does the member want to bet on that?

**Mr. Lewis:** I'm not a betting man, thank God; I always lose.

The beauty of the legislation is the way in which it is designed to reduce confrontation. And that is an appeal that all of us have put to you, Mr. Speaker, throughout the 18 months; that what the government was bent on was a course of confrontation which could result only in ill-will and destruction to the educational system. What we were bent on was a collective bargaining apparatus which would induce moderation, good faith; would cool out the adversaries, cool out the combatants. That is what this legislation has done.

Mr. Speaker, as I stand here, may I say to the Minister of Education that had this legislation been in place in December, 1973, there would not have been a strike in Thunder Bay and there would not have been the strike in Ottawa—sad, difficult and unnecessary as it was. Any discomfort and inconvenience to the pupils at the Lakehead or to the students in Ottawa is the result of the absence of this legislation, because the government

has now seen what can be brought to intervene.

Mr. Speaker, the principles of the bill, then, are worthy of support. The principles of good-faith bargaining, of fact-finders, of the educational relations commission, all of those things are worthy of support—and we do so with enthusiasm.

The one thing that I've said, and my colleague from Port Arthur has said, and I think all members of goodwill have said, is to request of the teachers and the boards to make it work; to give it a chance to work. To read into the bill not frailty, not the possibility of clauses being used somehow to handcuff the participants, but to read into the bill goodwill, to read into the bill the possibilities of collective bargaining in the teachers' sector quite unlike anything we've had for years. That's the way I think it should be approached. It should be approached in the spirit of making it work.

There are obvious details that are a worry. How the Education Relations Commission will be struck and how it will be made to work are a real concern. Perhaps when the minister replies he can indicate to us the kind of people he'd like to name to that commission. Maybe he can give us some examples, so that all of us will have a sense of the unassailable integrity of those who are appointed.

The whole fact-finding procedure is different and it will be under some strain. How it will work will be a measure of the success of the bill.

The question of all of the contracts terminating on the same date will put the Education Relations Commission under enormous pressure as well, and I'm not sure that's an intelligent provision. I think there should be some negotiability over contract termination or contract extension. One of the ways that Owen Shime solved the Thunder Bay dispute was by having that kind of flexibility.

But those are trifles in the bill. Those are details which honourable people can work out. What is important is that the bill gives the chance for enlightened collective bargaining for teachers and boards. It is more enlightened in its specifics than any other piece of labour legislation in Ontario. That's worthy of applause and that's worthy of support, and we don't hesitate to give it.

But the government couldn't do it all, could it? When the chips were down, it couldn't bring everybody all the way. There always has to be a holdout.



One of the things that's so endearing about the Conservative Party, one of the things that makes me positively feel affectionate from time to time, is that invariably, just short of winning total public applause, it does something to immolate itself. Just on the threshold of a totally logical piece of legislation, the government inserts something to invite and incite the opposition of the groups whom it hopes to appease. It's absolutely predictable.

The government never goes whole hog. It always manages to leave for the public that gnawing doubt, that sense of lacking confidence in the government. It has done it again with one of those clauses which no one in the world needs to have, that is the clause on principals and vice-principals.

If the bill didn't have that clause, then OEFTA wouldn't have wanted to have a march on the Legislature, and the OSS wouldn't be publishing federation up-dates taking the government to task. The teachers generally wouldn't be worried about the effects on the educational system.

The minister had to give the trustees a sop. He had to give certain of his cabinet colleagues a sop, so he inserted one truly offensive clause which undermines the integrity of the bill.

The government always does. The magic that used to be true of the Conservative Party in the days of John Robarts is no longer there. It can never do something with full heart and total coherence. It always has to undermine it at the 11th hour, and it has done it again.

As a matter of fact, not only has the government given the teachers another very modest rallying cry—nothing akin to what they had in December, 1973, but still enough for some good political education—but it has also done something which is essentially inconsistent with the principle of the bill. Many people have told the minister, many opposition members and many members of the public have said to him, it's wrong to divide the teaching profession into management and employees by virtue of this bill; it's wrong to take away full collective bargaining rights from principals and vice-principals who are members of their various federations and associations; it's wrong to deny them those simple civil liberties. Many people have told the minister, and my colleagues in this caucus have told him, that it's silly anyway.

Is the minister suggesting that in any given strike situation, should it occur again, that he has to force the principals and vice-principals back to the schools by law? Is he

truly trying to suggest to the Province of Ontario that only on a mandatory basis will the principals and vice-principals feel enough responsibility for the system that they will return to their schools and keep things under control? I can't believe that. The minister surely has a higher opinion of them than that.

Teachers don't desert schools willingly. Principals and vice-principals don't desert schools willingly. If there are problems encountered or problems anticipated, they will handle them voluntarily. The minister doesn't have to abrogate their civil rights and force them back in advance. That's the same kind of principle he has rejected in the bill by allowing full and free collective bargaining.

But I will tell him even that doesn't move me personally as much as a completely different factor. I just think it violates everything we know about an egalitarian educational system. I think it violates everything we know about alternative schools, community schools, open schools—just a friendly, legitimate, reliable, even loving educational system. The principals and vice-principals are a part of that educational experience. They are teachers; they have to be seen as teachers. They have to be called by first name in the corridors and they have to share the experience with every other teacher in the classroom. Under no circumstances do we isolate them. If we isolate them in law this way, we undermine the system.

For a variety of reasons, my wife and I in the last number of months have had occasion to look closely at the educational systems in North York and in Toronto, and to examine and visit individual schools. I want to tell you, Mr. Speaker, every school that has strength, every school that endures, every school where the kids are alive is a school where the principal is an extension of the staff, not a separated principal-administrator. In every instance, the strength of the school lies in the principal being seen by everyone as part of the educational process, not a special hierarchical component.

What the minister is doing in this legislation is creating a class system amongst the teaching profession in the schools of Ontario that is self-defeating and entirely unnecessary. It means that a great many of the minister's cabinet colleagues just don't understand what education is all about. They just don't understand it. It's particularly destructive at the elementary school level, and that's why OEFTA is up in arms; they face it more than many of the other federations.



I want to tell you, Mr. Speaker, it is just so systematic that I swear if you took a random sample, it would perform 100 per cent on predictability: If we have an elementary school that's working well, where the kids are happy; we have a principal who is seen as another teacher with a little more authority and that's all. But if the minister creates this class distinction in our school system, he is inviting trouble.

A lot of schools will resist it, and a lot of principals and vice-principals fortunately will laugh at the minister for it; it is an unnecessary component of the bill and it deserves to be defeated, and that's why the principals and vice-principals feel so strongly about it. The minister really never learns. Here he is taking a regressive step in the face of many other portions which are first-rate.

Mr. Speaker, that is one of the principles we most strongly reject. We wouldn't vote against the bill because of it, because it's a good bill; but I really appeal to the minister to think it through again. One of the strengths of a system which has many weaknesses is that principals are more and more seen as principal teachers. What the minister is doing in this bill is turning it right around for reasons of a sop to the trustees and a sop to his Neanderthal colleagues. That's just silly, that's just senseless; because it doesn't have to be done on any other basis. There is no protection of rights and there is no wanton danger to the public; and there are no other reasons for putting provisions in this bill.

One final commentary, Mr. Speaker, because I have dealt only with those matters which other members have dealt with. The teaching profession has really been educated through all of this, haven't they? What the Tories have managed to do in 18 months probably couldn't have been done by any other group of politicians in the country in a similarly short period of time. The teaching profession has developed a level of political consciousness, thanks to the Conservative government, which no others of us could have achieved.

The beauty of the profession is that now it has won on the collective bargaining front, it will now move to meet the government on the quality of the system, the reforms which have to be made internally. The question of reduced class size; the question of greater psychological supports; the question of parental involvement; the question of community schools; the question of alternatives; all of these things become central to education.

For 10 years, those people over there have managed one of the most astute diversions of

educational debate they could have undertaken. They forced us into a debate on numbers, on statistics and on dollars throughout the 1960s, in the Premier's era. In the early 1970s they moved us into a debate on ceilings. In 1973 and 1974 they moved us into a debate on collective bargaining. At no time has this Legislature really had the opportunity, in terms of the objective, historical conditions, to debate the nature of the educational system—the transactions which occur between teachers and kids in the classroom—except in estimates.

We do it there from time to time, in estimates, but every time it is done, there is another fracas over ceilings or there is another strike in Ottawa or there is another question of whether or not such and such a building has frills. Now, by great irony, by unimaginable irony, the Tories are the authors of their own downfall and a totally new appraisal of education in Ontario.

By doing what they did in December, 1973, they created, overnight, for the teaching profession a sense of self-worth, of self-respect and indignation which it never had before. The teachers have carried it through with a great deal of public support—some public ignominy, but a great deal of public support—until they've got this bill.

Now we can transfer the basis of educational debate to where it belongs—a discussion of what happens in the classroom; and why and where the government is failing in that regard.

That is where the concern is felt. It is felt by Liberals and New Democrats alike, and I suspect it is felt by Tories as well, whether it's the parental anger, the kids dropping out, the teacher frustration, the boards' impotence; it's felt everywhere. Now we are getting a chance to bring it onto dead centre. Only the Tories could have done that. Only those people could have made a mistake so decisive that it opened the door to a new kind of educational debate in Ontario, not confined purely to estimates.

**Mr. J. E. Bullbrook (Sarnia):** Maybe we can involve the Premier in that debate.

**Mr. Lewis:** That will be a novelty.

**Mr. Bullbrook:** Since he is the author of some of the facts which should be debated.

Interjection by an hon. member.

**Mr. Lewis:** No. We have our differences, but I remember the frustrations—I shouldn't prolong this because there are so many who want to speak—I have never understood edu-

cation the way Walter Pitman did and the member for Port Arthur does. I don't pretend to have understood it that way or to have felt about it the way they do.

I can remember being education critic in one year for my party and reading all the material I could and coming in here for a lead-off and setting it all out in terms of the social philosophy of education. When I had finished, the then Minister of Education, now the Premier, condescended to say, "Those are American authorities. They have no application to Canada or Ontario"; and that ended the debate.

I was dealing with Goodman; I was dealing with Friedenbergs; I was dealing with Holt; I was dealing with Illich and we were dealing with all of the recognized educational sociologists and reformers in the western world; but for the Premier, because it wasn't something he comprehended at the time, it was so much irrelevant claptrap.

I never tried it again. One learns too quickly. What the devil is the point? But now it's changed, and happily this minister has changed it.

We support the principle of the bill. We object to the one truly offensive clause. We congratulate the teachers and the politicians and the public on forcing the change of mind in the government. We understand the extraordinary political consciousness-raising which the teachers have experienced and which we believe should now be focused on the quality of the system since we resolved this matter of collective bargaining.

**Mr. Speaker:** The hon. member for Huron.

**Mr. J. Riddell (Huron):** Thank you, Mr. Speaker. Unfortunately, I was unable to be present in the House when this bill first came in for second reading, so I didn't have the opportunity to listen to some of the debates. But having listened very intently to the debates here this afternoon, I would say that most of the members are in support of this bill; many of them have expressed their own personal views, and I am sure most are expressing the views of the people within their own ridings, particularly the teachers.

Having taught for a number of years myself, I could express my own personal views, but I am not going to do that. I simply want to indicate to the minister that I have received a number of telegrams and I have received a number of letters, so I have taken one typical telegram and one typical letter and I would like to quote from them just to show the minister the various concerns the teachers have. It seems to me they have two

concerns; one being the denial of the principals and vice-principals from having full participation in the negotiations, and the other has to do with that section of the bill which deals with strikes and the discontinuance of extracurricular programmes in a school.

I will just take a minute to read a letter which was sent to me by the chairman of the district executive council, district 45 of the Ontario Secondary School Teachers' Federation. The letter reads:

After a lengthy discussion at a district executive council meeting on June 9, 1975, we in district 45 of the OSSTF are writing to indicate our basic support for Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers. Over all, we find this bill most acceptable in its intent; however, we do have several reservations concerning two particular aspects of this bill.

Firstly, we in district 45 are concerned that the section of the legislation restricting the right of principals and vice-principals from joining their fellow OSSTF members in the right to strike will tend to break down the particularly good relationship which exists between these principals and vice-principals and their teaching staffs in the five secondary schools in our county. ["Our county," being Huron; one of the best.]

At the moment, we in Huron county, pride ourselves on the good relationships which exist between the school board, the administrators and the teachers, and we feel that the proposed legislation as it pertains to principals and vice-principals could upset this harmonious feeling.

[Their other area of concern is, and I continue to quote:] We in district 45 are also greatly concerned about the wording of section 1, subsection 1, having to do with strikes and the discontinuance of co-curricular or extracurricular programmes in a school.

While we do not disagree with the apparent intent of this section, we are concerned about the possible misinterpretation or possible misuse of this section against teachers who are not in breach of the original intent of this section. We are confident that it is the government's intention to clarify this section so far as to protect those teachers who are attempting to fulfil their responsibilities as conscientious teachers.

We trust that the government will consider these two areas of concern before



this otherwise progressive legislation on negotiations between school boards and teachers becomes law.

A typical example of a telegram, Mr. Speaker, is one which was sent by the executive of the Huron-Perth unit of the Ontario English Catholic Teachers' Association. The telegram urges:

THAT THE GOVERNMENT SEEK TO AMEND ARTICLE 65, BILL 100, WHICH PRESENTLY DENIES PRINCIPALS AND VICE-PRINCIPALS FROM FULL PARTICIPATION IN NEGOTIATIONS.

WE FEEL THAT THE QUALITY OF EDUCATION IN ONTARIO WILL BE SERIOUSLY IMPAIRED BY SUCH A DIVISION OF SCHOOL STAFFS.

This seems to be the general area of concern of the teachers who have expressed their views. I can't say I've heard the views of the trustees, or the trustees' association. I have talked to some of them. I can't say any have expressed the view that the principals and vice-principals should be managers and have no participation in negotiations.

I hope the minister will give favourable consideration to the views which they have expressed and, perhaps, amend those two particular sections of the bill. Thank you.

**Mr. Speaker:** The member for Victoria-Haliburton.

**Mr. R. G. Hodgson (Victoria-Haliburton):** Mr. Speaker, I just want to say a word or two on this.

**Mr. Foulds:** Mr. Speaker.

**Mr. Speaker:** Order, please. I understand there is a member of the NDP and a Liberal—

**Mr. Lewis:** You always refer to us first.

**Mr. Speaker:** I usually go that way. The member for Victoria-Haliburton, please.

**Mr. R. G. Hodgson:** I don't care, if they insist. They can talk all day as far as I'm concerned.

**Mr. Bullbrook:** The member would talk all day.

**Mr. R. G. Hodgson:** Mr. Speaker, my point is this. In section 3, subsection 2 of this bill, the area I represent has had such a peaceful resolution of these difficulties over the years, I would like the minister to take a look at that section to see whether it isn't possible to have these unofficial discussions we have been so used to in our area, not be barred by the "shall be" wording. I think it's vital

the type of arrangement we've had shall be allowed to carry on rather than shall be prohibited.

I think that's an important point with the teachers in my area. I've certainly appreciated the teachers discussing these things with the principals and vice-principals over the several years I have been a member. It hasn't just started, or just ended.

I also want to make another suggestion to the ministry which I think is worthwhile. In section 60, duties of the commission—"manner of conducting." I think that's vital to the teachers' understanding of things. I think the commission should make the result of the vote public. It doesn't really spell that out. I think that is one thing that should be in there. As well as giving it to both sides of the issue, I think it also should be given to the public.

The other thing I think is important, and that has a different connotation, is section 60, subsection (h). It is the duty of the commission to advise the cabinet when a student's future curriculum might be in jeopardy. I think that advice should also be given not only to the cabinet, but, to the teachers and the board. I see no problem that would be created by the advice of the commission given to cabinet in this matter also being given to the other two participants. That, I think, should be looked at.

Also, I'm quite concerned about section 63, subsection 1(d). This is about the board and its offer. It seems to me it should be a bona fide board offer. It should be spelled out by the whole board by having it voted upon because, in the past, some of these things have been done by the committee. The board itself would have found a resolution, but the committee, being straight-laced or argumentative about it for some reason or other at that point in time just won't move. The board itself would resolve it. I think it should be spelled out that it's a whole board agreement. It should be mentioned there.

The other thing regarding principals and vice-principals is their dual role of managers and teachers. In the educational system they have had to be a teacher first. Some of them continue to be teachers even when they are principals. Others do not.

One of the things that really worries me is the fact the negotiating group, or the bargaining group for the principal's rate of pay, may be out on strike to prove what they are asking for the principal or the vice-principal. At the same time, the principal or the vice-principal will be in the school, getting his



pay. If he is being part of both management and teaching bodies, how can you relate it? It may well be he should be receiving only half his pay while a strike is being conducted—or no pay at all.

**Mr. Foulds:** Maybe they shouldn't send them in.

**Mr. R. G. Hodgson:** I think there is some reasoning for the situation, but—

**Mr. Foulds:** I haven't yet heard of any.

**Mr. R. G. Hodgson:**—I simply say I think that one will cause some problems with the teachers, and how they feel about things in particular, than anything else. I think it should receive further study.

**Mr. Speaker,** I want to commend the minister for some far-reaching points of view, and a general change of philosophy in this bill. I also think the Conservative Party deserves a lot of credit.

**Mr. Samis:** What, for Bill 100 or 274?

**Mr. R. G. Hodgson:** You know, gentlemen, it hasn't been all the work of the opposition. The best opposition to some of this has been within our party. I thank you for this opportunity.

**Mr. Speaker:** The member for Yorkview.

**Mr. F. Young (Yorkview):** **Mr. Speaker,** because of the stricture of time, and because I am not going to be able to be here this evening, instead of making a speech of my own at this time, and saying some of the things on my mind as well as the minds of others, I'll let two principals speak to the minister via correspondence which I received. One letter from a principal reads, and I quote:

I have been a principal of a school with the Metropolitan separate school board for some 10 years and from this position, and from these years of experience I write with alarm about certain provisions of this bill.

In the first place, although I am to remain a member of the OTF, paying full fees and bearing full responsibilities, I am denied the rights given to other members of voting on sanctions and participating in those sanctions. In other words, my membership rights are out of balance with my responsibilities.

More serious than these are the devastating consequences to staff relationships which may result in the implementation of these provisions. For a school community to prosper, there must be a unity of purpose and a common commitment to the

welfare of the school on the part of all the teachers. In times of stress, such as confrontation between the board and teachers, the strain is greatest on the relationships between the school leaders, principal and vice-principals and the other teachers.

The principal has management responsibilities which he must fulfill while still maintaining the trust and confidence of his teachers. This has been a difficult but not impossible task in the past. However, in the future the principal will be arbitrarily separated from his fellow teachers, placed in the board camp, forced to cross his colleagues' picket lines, possibly forced to refuse entry to his fellow teachers in the event of a lockout. This can result only in divisions among our teaching staffs which will be very difficult to heal and detrimental to the co-operation and co-ordination of effort laid on as a duty of all teachers in the education Act, 1974.

I sincerely believe that the well-being of many schools may be terribly jeopardized if these provisions are enacted in the law.

[Signed by] D. Cartlidge, Principal.

The second, from 125 Verobeach Blvd., Weston.

I would like you to oppose certain aspects of education Bill 100. I believe that one item especially is detrimental to the educational process.

I have recently been selected as a principal of an elementary school. My philosophy of administration is based on co-operative decision-making with members of my staff. Bill 100 imposes significant burdens on our relationship especially as it relates to our joint concern about working conditions and our welfare. We become eunuchs as far as effecting change within the process. When all has been said, and it's time for action, our only response is: "I can't do it. The law doesn't allow us. You suffer for me."

Yours sincerely,

Bernard Gelineau.

**Mr. Speaker,** these two letters, I think, sum up the attitude we in this party, and certainly a host of people out there—not only on the staff, but principals and vice-principals—have expressed to us through correspondence and phone calls.

I bring to the minister's attention this significant factor in the whole situation and these final words, particularly where a principal says: "I can't do it. The law doesn't

allow it. You go out on strike and suffer for us to get better pay and better conditions." They don't want that. They want to be part of the team. I plead with the minister, as others have done, to change this section of the bill at least, so that the teaching team can be one team.

**Mr. Speaker:** The member for Sandwich-Riverside now. Would he care to introduce his remarks, and then, in a couple of moments, move adjournment of the debate? You can have the floor afterwards. Thank you.

Mr. Burr moves the adjournment of the debate.

Motion agreed to.

## PRIVATE MEMBER'S HOUR:

### SAFETY COMMITTEES ACT

Mr. Haggerty moves second reading of Bill 11, An Act to provide for the Establishment of Safety Committees.

**Mr. R. Haggerty (Welland South):** Thank you, Mr. Speaker. The bill itself is self-explanatory, but I wish to read it into the record.

Her Majesty, by and with the advice and consent of the legislative assembly of the Province of Ontario, enacts as follows:

1. In this Act, "minister" means the Minister of Labour.

2. Every industry shall establish a safety committee which shall have equal representation from both the employers and employees in the industry.

3. Every safety committee, upon the request of the minister, shall advise him respecting the safety of workers in the industry which it represents and, without restricting the generality of the foregoing, inquire into and advise him upon any laws respecting the safety of workers in the industry with a view to the improvement, clarification or extension of the existing laws or the enactment of new laws or inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers.

4. Where an accident or injury occurs on a job site, the foreman or person in charge of the job site shall forthwith notify the safety committee representing the particular industry that an accident or injury has occurred.

5. Where a safety committee receives a report concerning an accident or injury on a job site, the committee shall report in writing to the minister that an accident or injury has occurred and outline any recommendations it may have as to the future prevention of a similar accident or injury.

6. This Act comes into force on the day it receives royal assent.

7. This Act may be cited as the Safety Committees Act, 1975.

Mr. Speaker, when the Liberal whip, the hon. member from Guelph asked me if I was agreeable to debate the bill in the private members' hour on Monday, I said, by all means. It is an excellent opportunity to debate the bill. It couldn't have happened in a more opportune atmosphere as the bill relates to the present state of government affairs concerning its inability to reduce the number of personal occupational injuries in Ontario's working force.

The latest workmen's compensation report for the year 1974 informs us there is still one fatal accident every calendar day of the year; in fact, the total is a percentage point higher.

There are approximately 1,124 accidents occurring every day, and no doubt there are some not reported. A cost in benefits amounting to \$214 million, an increase in four years amounting to \$183 million, almost as much as that awarded in the year 1973, \$186 million. This alone indicates a poor record and the lack of security and well-being of Ontario workers—an increase of six per cent in accidents in Ontario in 1974.

I suppose if we look at the increase of six per cent, if we were dealing with unemployment I think everybody in this House would be up in arms complaining that we must do something to create employment in the Province of Ontario. This applies outside the Legislature too—the unions, management—something must be done to correct the six per cent.

A large measure of the responsibility for it must fall on the negligence of this administration of the government. The record speaks for itself of the lack of government supervision and safety measures and health and security in the mining industry, particularly the uranium mines in Ontario. This government has failed miserably to seek a great measure of health protection for miners in Ontario.

Mr. Speaker, I can well recall the Mining Act, Bill 2, and its numerous amendments



and the debates which followed the introduction of Bill 2 in February, 1970, and continued almost through the month of November in the same year, 1970. There were many lively and heated discussions during committee hearings and as a member of that committee, one can readily come to the conclusion that all the amendments to the Mining Act failed to provide programmes to assure year-round safety measures for improving in-plant environment and health conditions throughout the mining industry in Ontario.

The bill itself could not provide effective measures to improve healthier working conditions and it became rather frustrating to the opposition members to attempt to have the minister responsible yield to the many proposals put forth by the opposition members which would improve the working environment of the miners.

On a close look, the bill provided more permissive, or a withdrawal of safety measures than one could shake a stick at. The 422 separate provisions relating to safety of the workers can be suspended in their operations by one person—the engineer of mines—whose authority lies directly with the Minister of Natural Resources. Can you imagine, Mr. Speaker, that with the stroke of a pen or a phone call and without any consultation with employees in the industry, their rights to safer and healthier working conditions can be removed? No wonder this caused some deep concern to the opposition members. It became apparent then and even today that the employees were not consulted on safety matters nor had actually any input in matters of good industrial hygienic practice.

I am well aware that there are a number of managements in the related industry of Ontario which have excellent or at least good working arrangements with their employees in promoting plant safety, but there are others in the industry which have a rather poor record of safe working conditions for their employees. That is why it was of great concern to the members of the Liberal Party in 1970 when this amendment to the Mining Act was introduced and why we have been requesting the government of the day to bring forth a new occupational health Act.

Mr. Speaker, I think it is worthwhile if I quote the remarks of the Minister of Mines at that time, Mr. Allan Lawrence, who, in my opinion, was negative to any approach to provide a healthier working condition for the miners. As I said his comments are worth quoting:

The philosophy, the concept, behind this Act [dealing with the mining bill] is that the manage-

ment must be responsible, legally responsible, in a matter in which they can be prosecuted and responsible in such a manner that much upgrading can be done within the mines as far as equipment, qualifications, personnel and facilities are concerned and in no way do I believe that this amendment will come anywhere near to helping that situation.

It is rather disgraceful at the present time that nothing has been done in the period of five years.

Today we have the Ham commission making a study of the mining industry in the Province of Ontario, perhaps as it relates to silicosis particularly, and lung cancer in the mining industry around the Elliot Lake area. What is going on today is rather distasteful.

The point of the bill is that every industry shall appoint a safety committee—and I say industry for in my bill I have moved from the Mining Act to include every industry in the Province of Ontario. The committees must include equal representation from employees and employers. They must provide, and follow, the present safety laws readily available to industry in the Province of Ontario.

If we want to reduce the number of injuries in the Province of Ontario, I think the government must move in this direction and provide some type of input of labour and employees in industry so they can have a voice in safety matters. Without that voice in safety matters, I think we are going to have a continual increase in the number of accidents throughout all industry in the Province of Ontario.

I don't say the bill is a cure-all for all injuries in the Province of Ontario, but it will help assist in the reduction of injuries.

I mentioned the Ham commission; the study being carried on now throughout the Province of Ontario. A number of hearings are being held throughout different localities in the province. One can pick up the paper and see, "Violated Safety, Firm Fined: 'Sequel to Worker's Death.'" Do you know what the penalty was, Mr. Speaker? It was \$3,000.

"Two mishaps per worker in 1974 at Inco," says United Steelworkers of America head. This was a brief they submitted to the Ham commission.

Another report: "Asbestos Count Factor in Strike: Death Risk High in Peterborough Plant." You can go on and on. Different articles report the number of accidents in the Province of Ontario. Many of them are a needless loss of life and limb.

What is this government doing at the present time? They have established this commission. All of a sudden we will see dif-



ferent reports come out. There will be statements by the different ministries in the House and outside the House. I would like to read some of them.

Here is one, April 21, 1975, by the Provincial Secretary for Resources Development (Mr. Grossman). He goes on to say:

Recognizing that employers, workers, unions, and community groups and government are all responsible in achieving successful protective and preventive measures, we are establishing an advisory council on occupational and environmental health matters.

We are 20 years late in bringing in that type of legislation. He goes on to talk about "occupational health education; the encouragement of workers in accepting health standards and procedures; and the right to participate meaningfully in the development of acceptable safeguards."

This is what this bill says. It gives those persons employed in the industry the right to a voice in safety matters concerning occupational health. The bill is that simple.

You can go on and read another report. This is from the Ontario Mining Association. This is a good brief, and of course it's a rebuttal to United Steelworkers' brief to the Ham commission. There are some recommendations in here.

I can recall again sitting in that committee meeting, back in 1970, where we discussed safety matters, particularly with the mining industry. We didn't get too much co-operation from the industry. They said they were doing an excellent job. Even the government at that time, the minister responsible, Allan Lawrence—thank goodness he is in the federal House, because he was useless here—said there was nothing wrong, "They are living by the law."

All of a sudden, in this report the Ontario Mining Association put on my desk within the last week—May 28 to be exact—it recommends:

Recognizing that co-operative evolution will make the role and activities of such committees more constructive and permanent than any set of rules imposed by legislation or regulation, the association nevertheless recommends that the establishment of a joint health and safety committee at each mining property be made mandatory [now, it's mandatory. You couldn't reach them before, but now they want something that is mandatory. Each to consist of an equal number of representatives from management and employees

from the company's work force at the property. The nature and extent of the committee's activities to be determined by its members.

That such committees have the right to make inspections of working areas and that an employee, from the company's work force at the property and designated by his peers, be given the right to accompany the district engineer of the Ministry of Natural Resources during any official inspection tour of the operation.

Well, that is quite a change from the debates that took place last year during the Ministry of Natural Resources estimates concerning mining operations in the Province of Ontario and particularly the Elliott Lake uranium mines. There were a number of heated discussions there. I know at one stage I almost lost my temper, I was going to pick up the minister and all his assistants and drive them against the wall to get some common sense into them. I wanted to say that there is a problem there which they have ignored over the years; that is, the hazardous conditions that exist in in-plant environment.

When you boil it down to a few words, you can say there was no mining inspection done by the ministry responsible for them. Everything was being rubber-stamped by the company or by the industry itself.

When one reads the minister's statement of May 21, 1975, what does it say? He's a little bit alarmed now; he says we have this study going on. Perhaps, though, he is trying to cover up or back-track a little bit when he says to the industry in Ontario and to the employees, "We are doing an excellent job. We are concerned about health in industry." His statement goes on to say: "As indicated . . . by my parliamentary assistant, the government intended to introduce a new health hazards section to the mines engineering branch."

We went after the minister very seriously last year, saying that there wasn't enough input by employees and there was enough on the books to say that we must have a new Occupational Health Act. He said: "We have done this, and I am happy today to announce we have been successful in attracting Mr. William A. Bardswich, a professional engineer and former professor at McGill University whose specialty is ventilation and dust control."

I can well remember getting into that debate last year; perhaps I can say that, following the questioning of the persons responsible

for mine ventilation in my own opinion there was very little done in mine ventilation in the Province of Ontario. Perhaps they had electric motors, and ductwork, but whether it was doing the job was questionable. It couldn't have been doing the job, because the fact that a number of those men now have silicosis and lung cancer can only indicate that ventilation was rather poor in the mines in the Elliot Lake area.

He goes on to say that he is going to appoint a special committee. He said, "The urgency of this review at this time is clear and it is my intention that the membership of the committee will be drawn from labour, management and government." That was the amendment we proposed to the Mining Act back in 1970. The NDP had a similar amendment too. But, for some unknown reason, the minister at that time was not listening. He said everything was well within the mining industry in the Province of Ontario. The employees were being well looked after. We had all the protection there.

One reads all these different things, then all of a sudden there's another catch-all statement reported on June 5, headed: "Proposals Made To Force Mine Health Co-operation." I would like to read some of these into the record. This is from the Minister of Natural Resources (Mr. Bernier) who goes on to say:

He said the government will not enact the proposed code into law while commissioner James Ham is still working on the report, but said he will try to get the mine owners to accept it voluntarily in the meantime.

So he is indicating there is a serious problem. He goes on to say the code will:

Force each mine owner to consult with his employees or their union on all measures for promoting health and safety at work;

Oblige each mine owner to send a report each month to the regional mines engineer outlining action to control any hazard discussed with his employees;

Provide that no mine owner install safety equipment without agreement from employees;

Permit miners at any mine to employ a "worker-inspector" who will have the right to inspect and report on health and safety;

Allow the worker-inspector to take samples of environmental pollutants and give him the right to request the mines engineering branch to close any unhealthy work place . . .

As I said, it is rather shocking that we have this committee dealing now with mine safety and the conditions that some of the miners have had to go through and perhaps are continuing to go through that, all of a sudden, government is ready to move in with all the force that is available. But for five years they lacked that initiative to go ahead with anything definite to reduce the number of accidents in the mines and include industry throughout the Province of Ontario.

To shed some more light on the subject, the latest annual report of the Workmen's Compensation Board, which was delivered to the members of the House a week ago, deals with project FACTS, First Aid Community Training for Safety. It's a programme that the Workmen's Compensation Board has been involved in. Perhaps it's a very successful programme, but the important factor from this project, which is financed by the board, is that it "drew international interest following a report by a university research team indicating that accident rates can be reduced by 30 per cent or more in industries that train all their employees in first aid." I suppose that paragraph indicates that when there is the involvement of employees dealing with safety matters and where they have a voice in safety matters in industry, there is a good possibility of reducing the number of accidents in any industry in the Province of Ontario.

Mr. Speaker, I can well recall the former member for Sudbury, Elmer Sopha, a very capable member of the House, in dealing with the Mining Act at that time, said: "On [the Liberal] side, we want to see a change in the context, the quality of safety measures. We want to see progressively the involvement of workers and the strengthening of management-labour committees on safety. Even in industry there are signs and thinking in the way of the quality about the character of joint venture in these matters."

Mr. Speaker, I believe most sincerely, as long as we in Ontario don't have a similar bill in the statutes, then the government will not reduce the number of accidents in industry and in the construction trades in Ontario or even hope to reduce the occupational hazards that are ever present in the working environment of the Ontario labour force.

With those comments I hope a change in the thinking of the NDP will allow them to support the bill this time and, with a change in thinking the government members, who know there is a crisis in safety in Ontario because of the number of accidents,



particularly in the mining industry, will support the bill too, even in principle. Thank you.

**Mr. J. Lane (Algoma-Manitoulin):** Mr. Speaker, I rise to support Bill 11 and congratulate the hon. member for Welland South for the content of the bill and some of the remarks that he has just made.

There is no doubt that we're having a lot of needless accidents, not only in industry but in the home and especially on the highways. While the establishment of safety committees will never entirely eliminate accidents or industrial sicknesses, I believe that considerable improvement could be made. Not only could lives and man hours be saved, but people could be spared a great deal of suffering and inconvenience and have a great deal more health and comfort in life.

Personally, I am very concerned about highway accidents because I've been involved in the auto insurance business for 20 years. Part of my responsibilities was settling claims and I've always had to interview the driver of the vehicle. It was amazing that in about nine times out of 10 the accident really didn't need to happen. It was basically carelessness on somebody's part. Occasionally, mechanical failure would cause a serious accident and somebody would be hurt or killed, but basically it was carelessness. In most cases the driver himself said: "If I had just done this, this wouldn't have happened." Really, most of our accidents on the highways are caused by carelessness. People are still being seriously injured and killed every day and a great deal of working time is lost.

I say, Mr. Speaker, that most accidents are caused through carelessness, ignorance or haste, in an effort to get the job done or to make more money in a shorter period of time.

In my riding there is a need for more and better safety rules and regulations as they apply to the mines in Elliot Lake. I feel not only do we need improved safety conditions for our workers but we need safety committees to get the message of the danger of this type of operation across. We must also see that safety rules and regulations are obeyed and enforced and perhaps even stricter rules and regulations should be enforced.

I have had many miners, not only from Sudbury but from Elliot Lake as well, tell me that when they are working on bonus, they deliberately ignore the safety rules be-

cause they can make more money by doing so. I think safety committees have a job to do and they could be helpful in these cases. Many people regard an accident or occupational sickness as something which happens to others but never to themselves. Part of the need of a safety committee is to protect this type of person from himself and to educate and, if need be, ride herd on the worker and keep him or her in good health and doing the job.

As I mentioned, ignorance relates to accidents. I feel this applies in general to inexperienced workers. We have many students and other inexperienced workers working on construction and at other types of industrial work during the summer and other times of the year. They are just not aware of the hazards of the job. Certainly the need is very great for a safety committee to protect them and to educate them to the dangers, and to ensure the rules and regulations regarding safety are not ignored.

I lived and worked for many years on a farm and I know accidents happen very frequently on the farm. I also know we have farm safety councils in some parts of the province because some 10 or 12 years ago I was a member of a farm safety council. Farmers and farm workers are using heavy equipment, often in haste, and a good many farm accidents happen that way. I can think back to the days when I used to do custom work for the farmers in my area with my threshing machine. Of course, Mr. Speaker, as you know, if the grain gets wet three or four times everybody is in a big hurry to get it threshed the first time the sun shines. My neighbours were generally angry with me because they thought I had some special concerns about somebody else's grain and not theirs so I would pretty nearly run around the clock when the weather was great. I can remember doing repairs to the machine, greasing it, oiling it, doing minor repairs to it, with the thing running full blast. One little slip and, of course, I could have wound up in the grain bin.

That is why I say a lot of accidents are caused by haste. I think many of our working force take risks at work when there is no need to take them and certainly I know from my experience in the auto insurance business that many people take risks on the highways when there is no need to take them. I think that a safety committee, with rules and regulations in industry and in any other part of our everyday life would be a step in the right direction. Thank you very much.

Mr. G. Samis (Stormont): Mr. Speaker, rising on behalf of the NDP on this bill, let me first of all congratulate the member for Welland South for taking a step in the right direction. Obviously I think a member from a northern riding could speak on this subject with more poignancy than I could, since some of the disasters and some of the problems up there have been far more dramatic, the toll has been far heavier, than some of us somewhat sheltered people in eastern Ontario, excluding the smug capital of Ottawa, have known.

However, Mr. Speaker, we have some degree of familiarity with industrial problems. Recently in the city of Hawkesbury we had a very tragic example of industrial safety problems with the tragic loss of life of three employees at the CIP plant in Hawkesbury. Charges have been laid as a result of that particular accident. Fortunately, in Cornwall the Domtar mill has had a good safety record but we have had a variety of problems over the years in other plants in eastern Ontario. Therefore, this problem affects us just as much as it does northern Ontario and other parts of the province, although possibly in a different way.

My main reaction to the bill, Mr. Speaker, is that while it is a step in the right direction, I don't think it really goes far enough in a variety of ways. For example, I notice section 2 says:

Every industry shall establish a safety committee which shall have equal representation from both the employees and the employers in the industry.

I don't see why we should establish on an industry basis, Mr. Speaker. It seems to me that one single committee can't really handle the problem for all of Ontario, especially if it's a small committee, especially if it is voluntary, if you consider they may have to travel from Elliot Lake to Cornwall, or from Timmins to Windsor. It is just expecting far too much of such a committee to be able to supervise or somehow keep some degree of control over safety standards in one particular industry.

It seems to me that the better route or the alternative would be to insist that every plant established in the Province of Ontario, before it can begin production, must have a safety committee with representation from both the employees and the employer. It wouldn't matter what kind of industry it was, that would be one of the ground rules for establishing an industry in the Province of Ontario. And for existing industries, if they don't already have them, we would simply

say that that is one of the ground rules for continuing in operation.

Now, surely they can do that. It's not going to cost them a lot of money. Obviously, in some cases it won't cost any money. But surely that is the basic condition we have to have in this province if we are serious about industrial safety, that every single plant have an industrial safety committee established.

I would also like to see an expansion of the safety education programme. Frequently you get young people coming on the labour force who, frankly, are not that well informed about the whole question of safety, the problem of safety and the implications of safety. Frequently, in some of the low-paying industries, the temptation would be to ignore safety, because they are more interested in other things. If the employer knows this, then obviously he won't make any special moves to establish a plant safety committee.

So, if we had actual legislation which compelled the plants to have industrial safety committees, some of the industries where there is a high turnover, where employees might not be as deeply motivated in terms of their work, where the degree of employee loyalty to the plant is far less, we could get around this problem by making it a compulsory thing.

I noticed in section 3, Mr. Speaker, there is a reference that the safety committee would advise, but only upon the request of the minister. Well, it seems to me that if there is a problem and if we have these committees set up in every plant, they should be able to make recommendations—they should be able to advise without waiting for the minister to make a formal request.

Who knows that if in certain ridings the minister may have very strong and very obvious political considerations that would compel him not to ask for any form of advice or any form of report? He may want to smother the whole question. If there is a serious incident involving laxness—whether it involves the superintendent, the foreman, management or the employees—he may want to forget about it or shove it under the rug.

It seems to me it would be far better for any committee set up to have the right to make recommendation directly to the minister wherever they think there is a problem, the possibility of a problem or where something has happened. We shouldn't wait for the Minister of Labour, who has a wide variety of problems to contend with, anyway. He may ignore it, or may shove it off to some bureaucrat who is totally unresponsive to the needs



of the constituents and sometimes is frequently the prisoner of the Queen's Park bureaucracy and the mentality that produces some of the bureaucratic happenings around here.

In sections 4 and 5, Mr. Speaker, I noticed that the plant committee is given certain prerogatives in terms of representation. But it seems to me that a plant committee should be given the power to actually stop or halt the operation of any section of a plant if the hazard that causes a particular accident hasn't been eliminated. It seems to me that if the workers really feel there is an actual physical danger, and this is clearly established and the majority of the opinion on the committee agrees with it, they should be empowered with the right to say, "No more production until you have met certain minimum standards in regards to safety."

Because, after all, we are talking about human beings and human lives. And for every man who is affected, there is a family involved. This could upset the rest of their social pattern—the future prospects of children getting a decent education. It could possibly affect internal family relationships as well. So we can't play around with human lives to that extent.

If there is a real problem and there has been an accident, and nothing is being done about it, that committee should be empowered to stop production until that problem is solved.

In general, Mr. Speaker, I have noticed that the bill tends to deal only with accidents and injuries. It seems to me that that should be expanded to include such questions and considerations as environmental hazards—dust, oil, heat, radiation and carbon monoxide. In doing some research for this, Mr. Speaker, I checked some recent reports from the Province of Saskatchewan on the same problem. One was interesting. It was by the director of the occupational health and safety division of the Department of Labour. He had some rather interesting observations:

We must address ourselves to the causes of human damage in the place of work. Traditionally, doctors have used silicosis as a problem of the lungs when, in fact, it is a problem of the hardrock mining industry. The problem of going deaf is not only a problem of the ear or aging but of the mill. Yes, noise damages the ear but the problem is the mill.

It is not sufficient to immediately attack the worker by stuffing his ears with various substances. This does not reduce the

noise level within the working environment. We must first consider the muffling of the sound and when we're satisfied that the cost is prohibitive or technologically unfeasible then we should consider protective devices. We have to be concerned with the working environment—the chemicals; the dust; the mists; the vapours; the noise; the solvents; the temperature; the ventilation; the floor you stand on; the pace of an assembly line; the backbreaking work.

Mr. Speaker, I think this is the attitude we have to see implemented in legislation in the Province of Ontario.

I noticed that the Minister of Labour in a speech he made in Saskatoon, said somewhat the same thing.

Our Saskatchewan programme takes what might be termed in industrial relations a working conditions approach to occupational health and safety. We reject the theory that most accidents occur because workers are careless or disobedient or accident prone. Rather, we think the cause lies in production pressures, inadequate training and supervision, the monotony and alienation of work in plants designed to meet the requirements of machines rather than the needs of people, and in the approach toward safety which consistently blames the worker instead of involving his responsible and knowledgeable participation.

I would suggest, Mr. Speaker, in winding up my observation on this bill, that if we were to implement an attitude such as that in legislation; if we were to give these committees far greater power and jurisdiction, not having them dependent on the request of the minister; if we took a completely different attitude toward safety, not leaving it up to local options to the extent we do, we'd have a far better record. That applies, I suggest, to the question of automobile safety, meat inspection, or the quality of the dental programme, dental hygiene, for our young children. If we applied the same principles there as well as in industrial safety, we'd have a far safer and far better society. Thank you, Mr. Speaker.

**Mr. L. A. Braithwaite (Etobicoke):** Mr. Speaker, I want to join this debate to reaffirm once more the importance that safety has and always has had to this party, we here on the Liberal side.

My understanding of the bill put forward by the member for Welland South—and I

want to make it clear that I endorse his bill and I would like to see the government implement what he has suggested—is that by industry he means not only industry on a province-wide basis but any plant, any industry which has, say, 10 to 15 employees. That would bring the problem of safety down to the individual company and bring the question of what should be done down to the level of management and labour.

Safety has always been important to me personally. I recall the former member for Dovercourt, Dante Demonte, speaking on behalf of this party as the labour critic when he made reference on many occasions to caisson disease and other working hazards of those who tunnel right here in Metropolitan Toronto. On behalf of this party he and others in this party have pushed for a new occupational health bill to try to do something for those who have to work for a living and who could—and sometimes do—end up as the unfortunates who suffer the terrible loss of the ability to work. This applies not only in the construction industry; it applies also in the mining industry and in the manufacturing area. Generally, it applies to all industry.

My observation is that the real problem is one of acceptance of responsibility. I have a clipping from the *Globe and Mail* dated June 3, 1975, where Prof. Ham, of the commission referred to by the speaker from Welland South, asked the Workmen's Compensation Board chairman, Mr. Michael Starr, what was done with information gathered by the board. The chairman noted the Workmen's Compensation Board has records but the present system is primarily a receiver of information, not necessarily a vehicle to alert a particular industry of industrial disease or hazards. That, Mr. Speaker, is an indication of the abdication of acceptance of responsibility by this government for safety.

In the average plant, it is my observation that management feels it has the prime responsibility for safety education because government safety inspectors have always reported to management. I recall speaking in this very House on many occasions during Labour estimates on the transferring of the responsibility for safety inspection from municipalities to government, which was ultimately done. This government resisted for many years even though many opposition speakers spoke against it. Now, they have come over and we do have government safety inspectors. These people usually report a hazardous situation, shall we say, to management. Management has come to accept this responsibility.

Over the years, as I say, the safety inspectors have dealt exclusively with management. That means on many occasions, without a committee as envisaged by this bill labour doesn't hear about this side of the problem, or of a particular problem from the start. My feeling is it should.

Over the years management has taken the position in many plants that, in order to save money, safety is something that should be skimped on. Lip service should be given to it but, really, if it is going to cost a lot of money—and I don't have to go into the asbestos industry or mining to prove the fact—management has tried to save money and pushed the ultimate responsibility directly or indirectly on to labour. The blame for the problem has been pushed on to the worker.

Many workers, on the other hand, have felt the responsibility belongs to management. I feel the time has come for industry as a whole to realize there has been a general abdication of responsibility for safety programmes both for management and labour. I feel all levels of an industry, or a particular firm in an industry, should become aware, and involved with, safety and the responsibility for safety.

This, Mr. Speaker, would require an overall programme from the top man down. The president should take a real, direct and acute interest in the whole question of safety within his plant or firm. This interest should filter down from the top to the lowest paid worker. Safety education, safety programmes should become a key concern within a particular plant. If top management shows real interest in safety it will permeate down to the lowest worker.

I have been told that in some plants working people feel that slogans, posters and prizes are not really effective. They feel that these are indications that the prime responsibility for safety and safety education belongs with management, and they don't really feel that the safety programme and safety education is their own responsibility.

**Mr. Speaker:** Order, please. I believe the hon. member's time has almost expired.

**Mr. Braithwaite:** In summary, Mr. Speaker, I would say that the dollar cost of a particular programme should not be the guiding factor, nor should labour feel that the question of safety is a responsibility only of management. Overall plant and industry safety should be the goal. It can be reached. This bill will help, by increasing the co-operation between labour and management,



and it will help to show to both sides that safety is the responsibility of all and is the best thing for the whole industry or the whole plant. It does not matter whether a person is in labour or in management.

Thank you.

**Mr. Speaker:** Thank you. The hon. member for Algoma.

**Mr. B. Gilbertson (Algoma):** Mr. Speaker, I want to participate in the debate on Bill 11, An Act to provide for the Establishment of Safety Committees, as a person who has been on both sides of the fence in this matter. I was an employee in logging and lumbering operations for quite a few years and then I became an employer. Therefore, I have seen both sides and I know what a benefit it is to have safety committees.

I can well remember in our own operation when we weren't quite as safety conscious as we should have been, and we had pretty much in mind that, "Oh, well, I am covered with compensation so I don't have to worry." But when one becomes an employer, every time one has an accident, one notices his compensation assessment goes up.

I can well remember in the logging industry when the rate went up 14 cents on the dollar for logging and lumbering, and that makes one stop and think, "Maybe we had better get a little more safety conscious." I can well remember purchasing hard hats for everyone who worked in the woods and for those who were employed in the saw-mill, and how difficult it was at the start to get them to wear these hard hats. They thought it was a nuisance. So it takes some education to get people conscious of the fact that accidents can be prevented, and I want to commend the member for Welland South for taking the initiative in bringing this bill as a private member's bill.

We do know that it is very seldom that a private member's bill becomes legislation, but I think there are many times when a private member's bill at least brings the thought out, so a lot of these recommendations that are brought in in private members' bills eventually become legislation. Therefore, I wouldn't hesitate to support this bill. I wouldn't be a bit surprised, if the Minister of Labour (Mr. MacBeth) was here, he would look favourably on this bill, and I think that from time to time these private members' bills should be followed through and should become legislation.

I know that if we have this type of legislation to make it compulsory to have safety committees it is also very important that the safety committees have the type of personnel who have a lot of good common sense; and also that the employer gets involved and that they both get together and try to come up with some meaningful rules and regulations within their establishments, whether it is logging, lumbering, road construction, manufacturing of various kinds or mining. Both sides have to be very reasonable and come up with regulations that can be lived with and that can be tolerated on both sides. Over the years I have known and have seen accidents take place on excavation jobs where a trench has been dug and a person had gone down to do some pipe fitting and the whole thing had collapsed on him and he has been buried. Some have died that way and others have been saved.

I think there also should be some incentive given to encourage safety committees, such as some type of an award at the end of the year for the various operations that have had a good safety record. This is an encouragement. When you have this type you can tell the difference; just go to a place where they have a safety committee and a place where they don't have one.

One person told me, when I commended him on what a fine tidy place he had where everything seemed to be in its place; "I run a tight ship." I think that this is good. I think we want to be able to go into an operation where we can see for ourselves that here is a place where a safety committee is performing its job and employer and employee have a good relationship. It is just as different as daylight and dark when one goes into the operations where safety committees are active and doing their part.

Mr. Speaker, it is a privilege for me to participate. I have been in places where I have seen pretty junky operations, where you would trip over boards and logs and so on; and I have been in places where everything is so neat that it is a privilege to be able to walk into an operation like that.

So again, Mr. Speaker, I must say that I look very favourably on Bill 11 that the member for Welland South has seen fit to bring up in the House.

**Mr. Speaker:** The member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** Mr. Speaker, in rising to speak to this Act to provide for the Establishment of Safety Committees, I will say one thing at the beginning:

It is a bill which we can support, but at the same time I regret that it doesn't go a lot further. One of the things which is evident from the problems that arise with the Elliot Lake miners and the silicosis and exposure problems which they are having from radiation, is the fact that there is a tremendous lack of co-ordination among the ministries that are supposed to be looking out for and protecting the worker in this province with respect not just to accident injury but occupational health. There is virtually no, or until a very short time ago there has been no co-ordination, or if co-ordination existed it was so very little that it really couldn't be discerned, among the occupational health branch of the Ministry of Health, the industrial safety division of the Ministry of Labour, the mine safety division of the Ministry of Natural Resources and those sections of the Ministry of Consumer and Commercial Relations dealing with protection of the public from various manufactured installations in the province, such as the boiler and pressure vessels branch, the operating engineers division, the elevator safety inspection, and so on.

What is desperately needed in this province is consolidation of all occupational health and safety matters into a single ministry.

I don't particularly care whether it be the Ministry of Labour or the Ministry of Health. Those are the two which strike me as being the appropriate; one takes one's pick. But to have mine safety under the Minister of Natural Resources, to have general occupational health under the Minister of Health, to have industrial safety under the Minister of Labour, and various divisions of Consumer and Commercial Relations involved in inspection of various manufactured items and the installation of items such as elevators, indicates the degree to which we have fragmented the whole problem of health, safety and accident and injury safety in this province. I can see no other way than bringing them together to achieve what we are all trying to achieve in this province—that is protection for the workers, not just from accident or injury but from the occupational health hazards which also exist.

I don't need to detail to you, Mr. Speaker, the record of our party in this House, particularly over the last couple of years, with respect to the problems in Elliot Lake. It is highlighted by our leader, the member for Scarborough West (Mr Lewis) and the problems in the standards of dust levels which he has spoken about in this House with respect to mining operations; the problems of silicosis in miners generally; the struggle, for as long

as I have been in this House, by the member for Sudbury East (Mr. Martel) and others from the north to have the Workmen's Compensation Board recognize the problems of the miners with lung disease; to recognize eligibility for pensions; to recognize that widows should be eligible for those pensions as well.

Some small movements have been made in this area, but the co-ordination of all this has been abominable and one wonders if it wasn't deliberately set up this way, so that it became so fragmented no one really had the responsibility, no one really had a handle on the entire subject of occupational injury, occupational safety and occupational health.

I am convinced, although the Minister of Health (Mr. Miller) now says he will take some of that overall responsibility, that until we delegate it in legislative terms and until we put the entire responsibility for this area into one division of one ministry there will be areas overlooked, there will be areas unco-ordinated and the proper protections not given.

The Workmen's Compensation Board as well must be required to report to that division all of the findings it has which would indicate a trend or a pattern, particularly in the area of developing industrial health. There may be something which may not be recognized by people at this moment, but because of statistical reports coming in on workmen who have become ill at the workplace, the Workmen's Compensation Board would have seen that trend developing before the various other branches.

Therefore, we need to bring in a bill dealing with safety committees. As one of its main points, it needs to bring into one organizational whole all of these persons and functions in these various ministries so that an integrated, problem-oriented, problem-solving approach to the entire question of health and safety in the workplace can be taken. It is an approach which will include not just accident, not just injury, but the entire area of industrial health.

Mr. Speaker, I could wax at great length and in great detail on some of these subjects, many of which I have been involved with directly as the labour critic in this House. I agree with the member for Stormont that what is needed is not solely an industry-wide safety committee as stated in this bill, we need as well plant-by-plant industrial safety committees on which both management and labour sit and to which, in the first instance, problems of health and injury and accident are reported. They may then take the next



step which this bill envisages, that is, providing that information directly to the industry-wide committees, which may be able to discern overall trends within an industry and therefore come up with some solutions to a trend which they see developing in industry.

By a trend, I am speaking particularly of new trends that we have not envisaged now in occupational health hazards. We certainly have recognizable trends now, and there is not that easy a way of collating those problems.

But we certainly need the plant-wide committee. And this is the committee, Mr. Speaker, that should make the decision in the very first instance when a worker complains about his particular location or place of work or the machine he is operating.

As you know, we have provisions in the Industrial Safety Act that allow a worker to refuse to work in a workplace he considers unsafe. He then declares he feels it is unsafe. And what happens? A foreman comes down, looks at it and says, "Looks okay to me; back to work." If the worker insists that it still looks unsafe to him or is unsafe, what happens is that he is let go. If the shop is organized, he is suspended for some period of days for refusing to return to that workplace when ordered.

If there were plant-wide as well as industrial-wide safety committees, it would be that plant-wide committee to which that problem would be referred. That committee would satisfy itself that the workplace is safe and not just in the view of a foreman; and safe before the workman is ordered back into that workplace or another worker is ordered into that workplace.

I see the plant safety committee as very important to the whole establishment and operation of safe industrial or mine operations in our province; and that is where it should start.

I have no objections to an industry-wide safety committee, which could co-ordinate within a given defined area of industry the problems which arise throughout the entire industry. They would have the overall grasp of the magnitude of the particular problem.

It may emerge that a particular problem exists only in a particular plant of that industry, because of the way they have operated in the past; and that can then be worked on at the local level.

If, in fact, the same problem appears in plant after plant within a given industry,

then the appropriate body to be taking it up and pressing home that point would be the industry-wide safety committee.

Getting back to the bill, I would have hoped that clause 3, however, would be much stronger than it is. I would have written it differently. It reads:

"Every safety committee upon the request of the minister shall advise him respecting safety."

We need much tougher wording than that, Mr. Speaker. It should not be upon the request of the minister. They should be telling the minister what needs to be done in a given industry. Some mechanism must be found where he specifically takes their recommendation and advice and sees that it is implemented. I am very suspicious of advisory safety committees involving only the minister or the deputy minister or a divisional head. Hopefully, a divisional head of the consolidated health and safety division within one ministry can listen to that advice. When they do not take action, and we confront that person with the lack of action, their reply is: "Well that safety committee is only an advisory committee. We look at the stuff they tell us, and we may or may not take their advice."

It has to be stronger than that, Mr. Speaker. Means must be found to ensure that a decision made by an industry-wide safety committee or a plant safety committee is accepted. Where the validity of the problem is recognized by an industry-wide committee, it should be worked upon and solved. We are past the era when someone at some point can refuse to accept the obvious advice of people who are very close to the scene.

As you know, Mr. Speaker, it boils down in some shortsighted cases to dollars and cents laid out now. A worker's health or a worker's lost time because of injury or accident is really incalculable. The long-term view is to ensure that the advice given by these various committees, particularly the plant committees, is accepted and not shoved aside on the idea that it is going to cost something now, with complete lack of attention paid to the long-term problems if that particular unsafe area is not rectified, or the health problems are not taken into account in the particular hazard that exists. Thank you, Mr. Speaker.

**Mr. Speaker:** This order is discharged from the order paper.

It being 6 o'clock, p.m. the House took recess.

## CONTENTS

**Monday, June 16, 1975**

Lake Ontario swims, statement by Mr. Welch .....	2975
Assistance to Whitedog and Grassy Narrows reserves, statement by Mr. Bernier .....	2976
Energy prices, question of Mr. Timbrell: Mr. R. F. Nixon .....	2978
Jailing of 16-year-old girl, questions of Mr. Clement: Mr. R. F. Nixon, Mr. Sargent, Mr. Lewis, Mr. Singer .....	2978
Removal of aggregate in Haldimand-Norfolk, question of Mr. Bernier: Mr. R. F. Nixon .....	2981
Answers to questions on order paper, questions of Mr. Winkler: Mr. R. F. Nixon, Mr. Reid, Mr. Roy .....	2981
Gravel licence application, question of Mr. Bernier: Mr. Lewis .....	2981
Working conditions at Chromasco, question of Mr. Bernier: Mr. Lewis .....	2982
Elliot Lake jurisdiction, question of Mr. Bernier: Mr. Lewis .....	2982
North York family courts, question of Mr. Clement: Mr. Lewis .....	2982
Employment Standards Act regulations, question of Mr. MacBeth: Mr. Lewis .....	2983
Court caseloads, questions of Mr. Clement: Mr. Roy, Mr. Bullbrook .....	2983
Strike at Canadian Salt, questions of Mr. MacBeth: Mr. Burr, Mr. Bounsall .....	2984
Lake Simcoe marina, question of Mr. W. Newman: Mr. G. E. Smith .....	2984
Fish and game management, questions of Mr. Bernier: Mr. Reid, Mr. Foulds .....	2985
Labour Relations Act amendments, question of Mr. MacBeth: Mr. Bounsall .....	2986
Ontario lottery, questions of Mr. Welch: Mr. Sargent, Mr. Roy .....	2986
Inquiry into dump truck operations, question of Mr. Rhodes: Mr. Young .....	2987
Night traffic court in York region, questions of Mr. Clement: Mr. W. Hodgson, Mr. Deacon, Mr. Bullbrook .....	2987
Metro Centre, questions of Mr. Irvine: Mr. Givens, Mr. Singer .....	2988
Serving of beer at Ontario Place, question of Mr. Handleman: Mr. Shulman .....	2989
Ontario Lottery, question of Mr. Welch: Mr. Good .....	2989
Home ownership made easy programme, question of Mr. Irvine: Mr. Deans .....	2990
Resolution re standing administration of justice committee .....	2990
Report, Ontario Racing Commission, Mr. Handleman .....	2990
School Boards and Teachers Collective Negotiations Act, Mr. Wells, on second reading .....	2991
Private members' hour .....	3010
Safety Committees Act, on second reading, Mr. Haggerty, Mr. Lane, Mr. Samis, Mr. Braithwaite, Mr. Gilberston, Mr. Bounsall .....	3010
Recess .....	3020













# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, June 16, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 16, 1975

The House resumed at 8 o'clock p.m.

**Clerk of the House:** The 12th order, resuming the adjourned debate on the motion for second reading of Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

## SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT (continued)

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, as a former teacher who has looked forward to this legislation for a long time, I wish to speak on Bill 100. This is a good bill. If the minister (Mr. Wells) accepts a few amendments it may well become an excellent bill.

This is the kind of bill most opposition members like—a bill in which the opposition can make constructive suggestions and the minister is not driven into an adversary position in which he feels it's necessary to dig in his heels, become stubborn, and refuse to listen to the advice of the opposition.

It is my hope Bill 100 may be so successful its good faith collective bargaining technique will be extended to the rest of the public sector in a short time, and perhaps also to the private sector.

The bill fulfils a need that has become obvious in the last few years. Traditionally, teachers have been seen as persons dedicated to giving children all the educational help possible to help them to make a living, and, more important, to develop certain philosophies, habits and attitudes that would enable them to spend their lives usefully and happily. A tall order, of course, in an imperfect society, in an imperfect world.

For most teachers, salaries were secondary to the enjoyment of their work and security of their tenure in their chosen profession. Inflation, however, has brought a change in this attitude on the part of teachers. While most other organized groups of employees were successful in keeping up with

the increasing cost of living, teachers and many other employees working for the public, dropped behind. Other groups were able to use the strike weapon in their struggle to keep up. For teachers, hospital workers, civil servants, and others employed in public service occupations, the strike weapon had been considered unusable.

As all members know, various employees in the public sector have now resorted to strike action in order to maintain their standard of living. The teachers were no exception. First, they used the mass resignation technique. Later they simply went on strike. Because their salaries had fallen behind in the wake of continuing inflation, they had considerable catching up to do when they finally resorted to the drastic action of striking.

Gradually for some, and quickly for others, has come the realization that strikes in the public sector are different from strikes in the private sector. In strikes against General Motors, for instance, the inconvenience is restricted largely—not entirely, of course—to the workers of that private company. In strikes in the public service, large sections of the public suffer inconvenience, frustration and, quite often, financial loss.

This realization has prompted legislators to seek ways of making strikes unlikely and, hopefully, unnecessary through clearer and improved guidelines and procedures for collective bargaining, not only in the public sector but also in the private sector. It may well be, Mr. Speaker, that the unforgivable actions of some firemen in Montreal will be recorded in history as a turning point for collective bargaining in Canada.

New Democrats have maintained that lack of good faith was the usual stumbling block where collective bargaining negotiations collapsed. We have maintained also that legislation which could make good faith mandatory is essential if collective bargaining in a free society can be made to work. Bill 100, with its establishment of a trained fact-finder, seems to acknowledge the validity of our contention. It should be possible for future negotiations to be conducted on the

basis of known facts, certified information, accurate statistics, and data which are objective, although the conclusions drawn will, of course, still be subjective.

Incidentally, Mr. Speaker, I should like to know why the definition of such a word as "co-curricular" is not given at the beginning of the debate, rather than after everyone has speculated about its meaning. Personally, I have assumed that co-curricular activities refer to such things as hall duty, study hall supervision, the giving up of a free period on the timetable to supervise a class when a colleague is called away unexpectedly; and that these activities are concurrent with the school day. I am anxious to hear from the minister how far out I am in my guess at the meaning of co-curricular.

In this connection I should like him to define for me two expressions in the bill—namely, the ultimate offer of the board referred to in section 63 (1) (d); and the expression "good faith," both in general and also specifically in relation to a board's ultimate offer.

For example, when an impasse has been reached and the board negotiators say, "This is our limit, our last offer. We simply haven't one more dollar to put into the pot," the teachers have in the past, on occasion, reluctantly accepted the offer only to find sometimes that the board had several hundred thousand dollars left over at the end of the year. This money, of course, had to be returned to the ministry. This reduced the board's grants, accordingly, in the following year to the further financial detriment of the teachers working for that particular board. In this case the board, either through error or through bad faith, not only misled the teachers but also denied them their legitimate claims in succeeding years. It might also be said that the ministry, if aware of the situation, participated in this act of bad faith.

How can this bill prevent such acts of bad faith in future? My answer would be that one of the functions of the fact-finder will be to eliminate or reduce considerably such recurrences of bad faith. I will be interested to hear what the minister's answer is.

I should add that there have been instances when a board has said, "We have put every possible penny into this offer. It's our last word," and the teachers have rejected the offer overwhelmingly. A day or so later the board has asked to re-open negotiations, saying, in effect: "Our computer made a mistake. We have found another \$300,000. Let us make another offer to you."

Again, I believe the fact-finder will play a worthwhile role in assuring that collective bargaining will be carried on in an atmosphere of candour and that negotiations will be easier for all concerned, and of shorter duration than in the past.

I am pleased to note that our party's representations have been heeded in the matter of trained mediators. Our leader has pointed out on more than one occasion that genuine collective bargaining in the public sector is a new field, at least in Ontario, and that there is consequently a dearth of skilled mediators with the required experience. Bill 100 makes provision for a supply of trained personnel who should be of considerable assistance in future negotiations.

I must state at this point, however, Mr. Speaker, that section 11, subsection 2, which arranges for all contracts to expire on Aug. 31, will cause all kinds of difficulties when it takes full effect in 1976. It would appear that fact-finders, mediators, arbitrators and selectors will have one period of intense activity each year and nothing to do in the rest of the year. If this is the case, I trust they will not be paid a full year's salary for a half year's work. If approximately half of the contracts in dispute terminated at the end of December and the other half or the rest at the end of August, there would be a fairly full year's work for a certain number of persons. Section 11(2) of Bill 100 will require twice as many trained persons for about one-half year's work each. If this is the case the procedure is inefficient and unnecessarily expensive.

I have received only one letter from a teacher applauding the bill's treatment of principals and vice-principals; dozens were opposed, just one was for. I have been approached by principals and vice-principals who did not participate in the mass resignations and the strikes in Windsor and by those who did. Yet all, both kinds, of these principals and vice-principals, want to be with their staffs in the future. They do not want to be alienated; they want to enjoy the full collective bargaining rights. They don't want to be in the position of voting for a strike and then collecting a salary which amounts roughly to twice that of the average teacher while their fellows are picketing or on strike and not collecting.

I am particularly concerned about the separation of the principals and their assistants from the staff during a possible strike. I regret that so much of our debate is centering upon this situation because it's our hope, of course, that strikes are going to become a



very rare event. But in discussing the principle of the bill, this is what we have to talk about to a certain extent.

I believe it is axiomatic that the best schools are those which have the most harmonious relations between principals and vice-principals on the one hand and the teachers on the staff on the other, yet Bill 100 would separate them during a time of most tension, most frustration. If there were some benefit to be gained from this exclusion, I could weigh the possible benefits against the almost certain harm which will be caused by the exclusion.

It seems to me that the attitude of trustees in two of the cities where major strikes took place, Ottawa and Windsor, should be taken into consideration. They felt from their personal observations and experiences that this wedge should not be driven between the teachers and the head teachers. The minister should listen also to the numerous ex-teachers in this Legislature who have unanimously, I believe, expressed opposition to section 64, that is, the exclusion of a principal and vice-principal during the period of a strike if one should occur.

I consider section 64 a mischievous section; one of the few flaws in an otherwise good bill. The teachers want this deleted; the principals and the vice-principals want it deleted; at least some of the trustees want it deleted. Who is in favour of it? No one likes strikes. One of the features of a strike is the bad feeling engendered between those who have favoured a strike, and those who have not. It doesn't take much imagination to realize the principals and vice-principals are going to be put in an invidious position.

Another flaw in the bill occurs in section 1(1), subsection iii, where the discontinuance of extracurricular programmes in a school is defined as a strike. Because the minister has never been a teacher, as far as I am aware, and because I taught for some 34 years in a school—

**Mr. A. J. Roy (Ottawa East):** Has the minister ever been a teacher?

**Mr. Burr:** — in which, by and large, staff members worked in an atmosphere of harmonious co-operation, I feel I should share with the minister some of the benefits of my experience.

Extracurricular activities are usually agreed upon at the first staff meeting of the school year. The various school activities are listed and volunteers invited. During the year, special unforeseen events, drives or projects may be added, and further volunteers

secured. Some of the student-centred activities common to almost all schools include the supervision of student councils; school year-book; open house evenings; graduation exercises; dances; fairs or garden parties; dramatic presentations; special clubs, e.g., art clubs, photography clubs, science clubs, chess clubs and any others that the students seem to be interested in.

It is recognized that music teachers, of course, will hold orchestra or choir practices outside of regular school hours. Physical education teachers will coach various teams outside of school hours. They know this when they decide to specialize in these particular areas of teaching.

It is traditional that all teachers share one heavy assignment one year and a lighter assignment the following year. Teachers whose timetables may be unusually heavy in one year may be given a less than average burden of extra activities, or even none at all in that particular year.

It is one of the peripheral, but important duties of a good principal to arrange these activities in the best interests of the staff and students, and to make sure the burdens are shared in an equitable fashion. Once you make voluntary activities of the teachers mandatory, you destroy something that is good. Once you force people to do something they are only too willing to do voluntarily, you can make a source of pleasure and satisfaction become drudgery; you kill the spirit of goodwill. The students know then that you are participating with them because you must, and not because you want to.

Furthermore, you are pushing extracurricular activities into the realm of negotiable items. This has happened at times in various parts of the province. Occasionally athletic coaches, for example, after a gruelling season of long extra hours of practices and playoffs have asked for bonus pay. Occasionally, a sympathetic board has responded favourably. Immediately the academic teachers, who may work until midnight several nights a week preparing lessons, marking tests and projects, evaluating essays, marking examinations, feel aggrieved that the athletic coaches are getting more money although working fewer hours after school. Such actions have caused more ill will than you would imagine. I hate to see this possible development encouraged by section 1(1), subsection iii.

Any teacher, or principal, with a few years of experience will tell you the fewer rules there are for a staff the better off for everybody. Once we codify and tabulate and



formalize extracurricular activities, we can expect at least one member on almost any staff to begin to make odious comparisons about workloads, to criticize those members who work beyond the call of duty, in short, to create disharmony. Why does the ministry insist on promoting conditions that will cause ill will? It is simply asking for trouble.

It is wrong for the minister to make the teachers' benevolence compulsory, and I don't mind saying that it is equally wrong for teachers to take out any possible spite they might have toward the minister by suspending their benevolence toward their students. Let us be fair about this, a little good faith and charity should be exercised on both sides. So I ask the minister to delete section 1(1) (iii) and I ask the teachers to prove, should the need ever arise, that he was justified in deleting it.

Although I used the word "burden" in reference to extracurricular activities, I used it in the sense that it is a demand on a teacher's time rather than on his or her talents. Teachers may derive as much value out of the activities as the students, because it enables them to establish a rapport much more quickly, much more easily and much more firmly than in the ordinary classroom work.

The benefits of this rapport, of course, are reflected later in the classroom behaviour and interest of the students involved. Even today, when, from time to time, after many years I encounter former pupils, the ones with whom I am able to reminisce most pleasantly are usually the ones with whom I helped to decorate the gym for a school dance, or the ones who helped me in the second-hand book exchange or belonged to the noon-hour chess club in my home room. In a school system, a pupil's future life and human relationships do not depend entirely on the formal procedures of the traditional school room. Much of the formal teaching is soon forgotten, but the attitudes developed inside and outside the classroom last a lifetime. So, again, Mr. Speaker, I urge the minister to delete section 1(1) subsection iii.

**Mr. Speaker:** The member for Ottawa East.

**Mr. Roy:** Thank you, Mr. Speaker. I have looked forward to participating in the discussion on this bill, because as I look across to the minister, I can recall circumstances where, in debates in this House over various legislation dealing with teachers, teacher-board negotiations and education generally, we have had a strong difference of opinion. In this legislation, as the minister knows,

generally we are in agreement with the principles that are outlined in the bill, and I do not intend to go into all the areas where we have certain reservations. These matters have already been said.

I suppose something should be said about the legislation as a preliminary before we get into discussion of the actual bill itself. If that minister should have a theme song, it's "What a difference a year makes." I have before me here, the debate that took place here in mid-December, 1973, and I recall at that time the position taken by the government. It would be very interesting and I think the minister, I suppose for posterity's sake if not for political reasons, should outline some of the debates that took place in that Conservative caucus about this change of mind by this minister and by the caucus. I can recall, and I can quote here from Hansard—

**Mr. J. F. Foulds (Port Arthur):** The caucus never had a shot at it. That's how it got through.

**Mr. Roy:** Well, somebody must have used harsh words, because I recall discussing it privately with members of caucus and I recall the position taken by the caucus and the minister and the Premier (Mr. Davis) back in December, 1973. Their position was quite clear at that time.

I can recall, Mr. Speaker, in the Hansard of Dec. 12, 1973, strong words were exchanged across the House. If you recall at that time, Mr. Speaker, the objection taken to the bill—apart from the draftsmanship, which was just terrible, and I must say to the minister that the draftsmanship in this bill has improved somewhat—but I recall in the famous Bill 274 that the draftsmanship and the matters in the bill certainly left something to be desired. The effects of it, if brought to their logical conclusion, would have been, in simple terms, very tragic.

I recall asking in an exchange with the minister—not only I, but other members—the reason why Bill 274 was taking away from teachers or workers the right to resign from employment. And, of course, anyone in a democracy must oppose that position.

I recall the minister's reason for that. I read from page 7104 in Hansard of Dec. 12, 1973, where the minister had given an explanation of this and he said: "What we are really dealing with here, Mr. Speaker, is a strike. What this legislation is doing is reaffirming our principle that we do not feel that teachers should strike."

So, Mr. Speaker, to the minister, I think he might address us, following our discussions and input in this legislation, and tell us the history of this change—this St. Paul's conversion, as we might call it, on the part of this minister and on the part of this government.

The leader of the NDP, Mr. Speaker, when he discussed the bill earlier this afternoon, went into certain reasons that brought about this change. He talked about the question of bargaining in good faith and that possibly this was the proper approach to teacher-school board negotiations, the approach taken in this bill. Then he went on to talk about political reasons.

I suggest, Mr. Speaker, that the reason for the change is that, having delayed as long as they have in bringing in any legislation, they were forced into a situation. It became obvious that the teachers were striking anyway. Whether you called it a mass resignation, a strike, or whatever, the minister finally realized the legislation was too narrow, too restrictive.

Mr. Speaker, if you have that type of legislation, the workers, no matter who they are, cannot be stopped from striking—because it is unfair to them. They will strike anyway.

Other members have mentioned instances of this. For instance, there was the firemen's strike in Montreal. If they see that the authority they are bargaining with or the legislation puts them in a straitjacket, then government is forcing them into that situation.

Mr. Speaker, I'd like to refer to an editorial in the Ottawa Citizen following the lengthy teachers' strike in Ottawa in April of this year. They talked about this question of strikes and the effects such a strike has on a community. I suppose of any community in this province, Ottawa has been hit with strikes as much as anyone. We have had three since Jan. 1, 1975. Fortunately, two of them were resolved in a matter of just a few weeks. But the strike which lasted seven weeks, Mr. Speaker, involving the Ottawa Public School Board, created havoc and created a lot of bad feeling. This was not only among teachers and parents within the community, but among the students and among certain teacher groups. No community should be forced into that situation.

As the Citizen pointed out in its editorial, one of the main reasons for this is that there was no legislation. Legislation which had been promised for 18 months had not been brought in. And so school boards were

taking positions in a vacuum and teachers were trying to assert what they felt was a reasonable approach to bargaining in sort of a vacuum as well.

Mr. Speaker, I am reading from the Citizen of Tuesday, April 15, 1975, where it states:

It will take time to assess the bargaining strategies, proposals and counter-proposals which led to the tentative settlement of the Ottawa high school teachers' strike. The most important question is, was it worth it? Well, this question will not be answered quickly or easily. But some conclusions can be drawn. The most important is that the legislation governing bargaining between teachers and school boards is overdue—

how often have we said that in this House, Mr. Speaker? We're not the only ones:

—a fact which probably contributed to the confusion which prolonged the strike.

I say to you, Mr. Speaker, through the minister, how many times have we told this minister the effect when you had a vacuum, when legislation had been promised for 18 months and had not been brought in; and the effect on teacher-school board negotiations?

The editorial goes on to say:

One thing the legislation should contain, unpopular though it may be, is the right of teachers to strike. Outlawing such strikes in the future will not accomplish anything. Strikes will happen anyway, only they will be classified as illegal. Far better to establish the strike right and place it within a framework of rules and procedures which will make effective bargaining possible.

Bargaining has not been effective in the Ottawa situation. This, as much as the original pact that was offered, and what was demanded, was largely responsible both for the strike and for its duration. There was little of the give and take which traditionally characterizes the collective bargaining process. Not until the very end, in the formal sense, did the teachers budge from their original position. The board, after an initial flurry, also stood still for a long time. Board offers were made without teachers knowing what they were. Teachers' goals were not clear to the public; in fact, were not clear to many of the teachers. Further extraneous factors were too influential. Teacher strategy was geared, it seems, for



political impact elsewhere rather than to a quick settlement here and the seeming imminence of provincial legislation—

**Hon. J. W. Snow** (Minister of Government Services): Is the member reading?

**Mr. Roy:** What's the minister's problem? Reading from a document? Man, he couldn't say two words in this House if he didn't read from a document.

**Mr. Speaker:** Order please.

**Mr. Roy:** Continuing to quote:

—the seeming imminence of the provincial legislation to end the strike diminished the board's negotiations flexibility.

The Ottawa strike has been, in short, an exercise in the failure to communicate. It has also been a splendid example, if the government is looking for one, of what to avoid in the future.

**Mr. Foulds:** Be a little more generous and read the Ottawa Citizen editorial of June 12.

**Hon. T. L. Wells** (Minister of Education): Why doesn't the member do that?

**Mr. Roy:** Mr. Speaker, I suppose the minister, looking at the Ottawa situation, has reflected, or has learned some of the things that have been put in the bill. If nothing else, I suppose there are matters in the bill which will certainly force both parties to communicate. That was a problem.

It always seemed to us, Mr. Speaker, as well—and one of the things mentioned in Ottawa or in the editorial here—was the fact that the teachers' strategy was geared, it seems, for political impact elsewhere rather than to a quick settlement here.

**Mr. Foulds:** What does that mean, exactly?

**Mr. Roy:** We have always felt that that was a problem, in the sense that the teacher negotiator for Toronto—I don't recall what his name was, the fellow in Ottawa—when people talked about the community response and the parent concern about the strike lasting this long, seemed not to be too concerned about this, whereas some of the local teachers seemed to be much more sensitive to the situation.

In any event, Mr. Speaker, I suppose what this party and what I as a member from the Ottawa area must be critical of this minister and the ministry for is the fact that you have allowed no legislation for a period of 18 months. In fact, that situation has caused, I

suggest to you, Mr. Speaker, irreparable damage in Ottawa.

What did he do, for instance, during that period of time for these students who, in fact, have quit school; students who felt they could not continue because they were in their last year, were getting marginal grades and thought they would get employment elsewhere and have left? I suppose there will be other students who, in spite of the effort made by universities to be more flexible, will not get a chance to get into universities because of their marks or because they have lost time or whatever.

I suppose, other situations have been caused by strikes involving the students. It is a fact that some students, having all this time on their hands, got into trouble and ended up in court, and this is not something that I speak of idly. In talking to family court officials and provincial court officials, they said that during the Ottawa teachers' strike, the crime rate involving students increased.

I really think that the fact that the minister delayed so long, the fact that he was indecisive for so long, the fact that he failed to bring about legislation which would create a framework for negotiations, caused some of the problems that we have in Ottawa. I only hope that this legislation, in some way, over a long term—and I am sure it will be some term—will create a system where we can correct some of the damage, some of the flaws that were felt following the teachers' strike in Ottawa.

As the leader of the NDP has said, if nothing else, the approach by this government toward teacher negotiations has solidified the teacher movement to a point where this government—and it's reflected by this legislation—backed off. One of the main reasons, I suggest to you, Mr. Speaker, that we have this present legislation is that the government was afraid of the threats from the teachers. It is obvious by the minister's own approach during the Ottawa teachers' strike. We were in the fifth and sixth week of the strike and he was sunning himself out there in Florida; not that he is not entitled to that, but his timing—

**Hon. Mr. Wells:** What does this have to do with this bill?

**Mr. Roy:** The minister can sit there, casual and satisfied with himself, but I am saying that he has not accepted his responsibility during the last 18 months and I don't think he should be allowed to get away with it.



**Mr. Speaker:** Will the member for Ottawa East stick to the principle of Bill 100?

**Mr. Roy:** I am speaking to the principle of the bill.

**Mr. Speaker:** You are not speaking to the principle of the bill.

**Mr. Roy:** I ask what took so long? What took so long?

**Mr. Foulds:** Did it ever occur to the member that if the bill had been brought in earlier, he would be speaking to a different principle?

**Mr. Roy:** A different principle?

**Mr. Foulds:** Yes, there would be a much different bill.

**Mr. Roy:** I don't know what the member is talking about. The fact remains, Mr. Speaker—

**Mr. Foulds:** He knows what I'm talking about; he would have been speaking on Bill 275 if the minister brought it in 18 months ago.

**Mr. Roy:** Well, it was more than the minister's usefulness in the Ottawa situation. He, as Minister of Education, was sunning himself out there in Florida while those schools were closed for seven weeks.

That was useful. I say to you, Mr. Speaker, that because of the long delay he has caused some of the situations that we have seen not only in Ottawa but in other areas of the province.

Speaking about some of the factors in the bill that I am pleased to see, one of them deals, for instance, with the general principle of the bill, the right to strike—which we support and which we have supported for some time. The other aspect of it is—I applaud it, but I don't know if it has been mentioned—

**Hon. Mr. Wells:** The member wanted to force them back by legislation in Ottawa.

**Mr. Roy:** I wanted the minister to accept his responsibility. He should have been negotiating—

**Hon. Mr. Wells:** The member wanted them legislated back.

**Mr. Roy:** Yes, the minister should have been negotiating with the teachers after the third or fourth week. That's what he should have been doing.

**Hon. Mr. Wells:** And what does the member think I was doing?

**Mr. Roy:** Where was the minister? Why doesn't he accept his responsibility as Minister of Education?

**Mr. Foulds:** Does the member for Ottawa East support or oppose the bill?

**Mr. Roy:** My position is clear. I said we support the bill. Are they deaf or something?

**Mr. Foulds:** Does he support the right of teachers to strike?

**Mr. Speaker:** Order, please. The member for Ottawa East has the floor. Please speak to the principle of the bill.

**Mr. Roy:** The NDP are so predictable. They are more afraid of any movement than anybody else. What's their slogan again, "Bring on yesterday what we should have done tomorrow," or how does it go? I can't tell.

**Mr. Foulds:** Is the member not bilingual? Can he not understand one language?

Interjections by hon. members.

**Mr. Roy:** Yes, what's their slogan again? "Do tomorrow what you should have done yesterday"?

**Mr. Speaker:** Order.

**Mr. Roy:** I get confused about their new slogan, Mr. Speaker.

**Mr. Foulds:** What is the Liberal slogan? Kiss me, I'm Liberal. What kind of a slogan is that?

**Mr. Roy:** Why don't you do tomorrow what you should have been doing today or something?

**Mr. Foulds:** You are confusing.

**Mr. Roy:** Mr. Speaker, I think, getting back to the bill, one of the important aspects, and I have never understood it, when a strike vote was taken it was an open vote. I see that this bill will make it a secret vote.

I have discussed this a number of times with teachers. Many teachers have personally taken objection to the fact they had to sign their ballot or have an open vote. I could never understand how, in movements such as union movements, you have an open vote of this nature. In other phases of the democratic process if it was not a secret vote there would be no objections, there would be cries to high heaven.

**Mr. Foulds:** It is not a secret vote in the Legislature. What is the member talking about, a secret vote?

**Mr. Roy:** Did that member speak on this bill, Mr. Speaker?

**Mr. Foulds:** Yes.

**Mr. Roy:** Well why doesn't he let others speak then?

**Mr. Foulds:** I gave the member a chance to speak.

**Mr. Speaker:** Would the member for Port Arthur just withhold his remarks at this time?

**Mr. Roy:** I would like to emphasize as well some of the matters emphasized by some of my colleagues about the fact principals or vice-principals cannot have full bargaining rights. This has been repeated ad infinitum to the minister, but I want to point out to him that if he is logically including them in the original negotiations, what is he doing stopping it half way? If he were really serious about stopping the principals and vice-principals, why would he not exclude them from the original negotiations?

I really can't see the point. I have tried to discuss it with my colleagues; and I've discussed it with a number of principals and with a number of teachers.

What is the logic of stopping part way as they do, and what will it do? It has been pointed out to me by principals that it will in fact force principals or vice-principals right out of the OSSTF.

If they can't participate with their confreres the other teachers or have full bargaining rights, it is obvious that after a while, if they are considered part of management at one particular step, when it comes down to the final crunch, the right to strike, it seems to us their interests will be divergent and at that point they will be forced out. They will step out of that particular association.

I'm trying to understand. The government says it needs someone from management in the schools. Is it going to make that much difference if there is a principal or a vice-principal in the school?

It seems to me there are arguments against this aspect of the legislation. The arguments for including them with the other teachers in the full bargaining process are much stronger. In a sense, it would appear to be more advantageous to keep the whole

apparatus of education in a particular school, principals, teachers and so on, together.

I really can't understand why the minister stopped half way unless he wanted to give the appearance he wasn't going all the way.

I suggest that is what has been done. Why doesn't the minister take out the last aspects of confrontation in this bill? I really can't understand why we would stop at that point.

Mention has been made as well, Mr. Speaker, of the question of voluntary services. I don't intend to go into that in any length, but again it seems to me that in principle, looking at the logic and the principle of the idea, if these services on the part of the teacher are voluntarily given, they can be voluntarily withdrawn. It seems to us the teachers make a good point, especially when one considers that the withdrawal of such services will be punishable by per diem fines; I don't know what the fines are, but that seems to us to be unfair. It seems illogical to take that approach in this bill.

Finally, there has been concern in this legislation, Mr. Speaker, about the fact contracts will start and end on the same date across the province. I can see a problem, of course, for the fact-finding commissions as outlined in the bill. But I suggest, Mr. Speaker, that one of the things that should be looked at by the minister is that maybe negotiation deadlines could be imposed which would not necessarily correspond with the ending or the starting of the contracts, so that we would not be faced with a situation where all at once the fact-finding commission would be involved in looking into teacher negotiations for 20 different school boards at the same time.

I think the regulation to this legislation could be amended or could be improved or something could be inserted where the bill talks about different periods of negotiations to encourage boards to negotiate at different times for contracts starting and ending at the same time. Having said this, even though we have been critical of the approach taken by this government and the delay in bringing in this type of legislation, which has caused irreparable damage in some areas—and I mention Ottawa—the principle of this bill certainly is worth supporting and that we will do.

**Hon. Mr. Snow:** If I may beg the indulgence of the members of the House at this time, I would like to introduce to the members a very fine group of people in your gallery this evening, Mr. Speaker: The presi-

dent and members of the executive of the Halton-Burlington Progressive Conservative Association—

**Mr. T. P. Reid** (Rainy River): An election in the wind.

**Hon. Mr. Snow:** —along with the president and the members of the executive of the Oakville Progressive Conservative Association.

**Mr. Reid:** It's nice to see the Minister of Government Services here. He should come more often.

**Hon. Mr. Snow:** Along with that, Mr. Speaker, we have the new candidate for the riding of Halton-Burlington, Mr. Dawkins.

I'd just like the hon. members to welcome this fine group of people in the gallery.

**Mr. G. Samis** (Stormont): There aren't many Tories in their seats.

**Mr. Speaker.** The hon. member for Windsor West.

**Mr. Samis:** There are 11 Tories here tonight, out 74.

**Mr. Roy:** We are very privileged. That is the most the minister has said in two months.

**Mr. G. Nixon** (Dovercourt): There are only four NDPs.

**Mr. Samis:** There are 11 Tories and six NDP here tonight.

Interjections by hon. members.

**Mr. E. J. Bounsall** (Windsor West): Would my colleague desist while I am on my feet?

**Mr. Samis:** I want to get this into the record.

**Mr. Speaker:** Order please; the member for Windsor West.

**Mr. Roy:** I think it would be fair to invite them down here to fill all those seats.

**Mr. Bounsall:** Mr. Speaker, in rising to speak to this Act to lay out negotiations on collective agreements between school boards and teachers, I'd just like to take a minute or two to say it was most appropriate for the member for Halton East to arrange for the visitors we have here in the gallery at the moment, because I was a resident of Halton county for a great many years, having arrived at Milton at age two. At some advanced age—I am not sure when exactly—I cut the umbilical cord and left.

**Mr. R. D. Kennedy** (Peel South): That's where the member went astray. That is what happened.

**Mr. Bounsall:** Of course, I still consider Halton county my home, to be exact. When I speak of my home it's Halton county I speak of.

**Mr. Kennedy:** I guessed it was down Windsor way.

**Mr. Reid:** I hope they notice there are only eight Tories in the House tonight; in fact, 8½.

**Hon. Mr. Snow:** That is more than there are Liberals.

**Mr. R. G. Eaton** (Middlesex South): One of us is as good as five of them.

Interjections by hon. members.

**Mr. Reid:** They have all gone to choir practice tonight.

**Mr. Speaker:** Would the member for Rainy River withhold his remarks? The member for Windsor West has the floor. Proceed please.

**Mr. Bounsall:** Thank you, Mr. Speaker. I rise to support the general principles of this bill in that it provides a very careful step-by-step procedure that should aid considerably in achieving collective agreements between teachers and school boards in this province. I come from an area, Mr. Speaker, as you well know, that has been struck twice in the last two years. With that experience, in talking to teachers and school board members and concerned parents, I speak with some authority when I say that this bill will go a long way to achieving labour peace in this province between teachers and school boards.

Mr. Speaker, we in the NDP have pressed hard for the good aspects of this bill for a long time and over a great many years in one form or another. We therefore are in obvious support of many of the sections in this bill.

The bill, of course, is long overdue. It is far superior to Bills 274 and 275 of December, 1973. In most respects this bill, therefore, was almost worth waiting for. I would have hoped the same bill could have been brought in a year ago or more, some four or five months after the abortive bills of December, 1973. I suppose it takes the minister some time to rearrange his thinking and learn about the type of collective bargaining that should be taking place between teachers and boards and finally come through with the particular bill we have before us.



**Mr. Foulds:** I don't begrudge him the time, it was well spent.

**Mr. Bounsall:** It's here in any event. I've been one in the past who criticized the minister publicly for procrastinating so long over the introduction of this bill. In fact, I called the delay in the bringing in of this bill reprehensible. We have it before us now, and by and large it is a good bill.

The right to strike is not denied to teachers. It is explicitly granted to them. The situation prior to the introduction of this bill, of course, is that in the absence of any specific denial of that right, the right is there. Indeed, we saw that right employed, as I've mentioned, twice in Windsor in the last two years; and in Ottawa and Thunder Bay as well last winter.

There are those in Ontario who termed those strikes illegal. They did not know of what they were speaking. If there was no legislation which denied the right to strike, then strike action was in fact legal.

So the situation as a result of this bill, re the right to strike, is as it has been all along. Teachers have the right to strike. We have just explicitly confirmed they have that right.

Both the Ontario School Trustees' Council and the Ontario Teachers' Federation have endorsed that right to strike. The minister shows, by the statement made to the House on May 30, that he has in fact learned a great deal about negotiations in the past year and a half, having had to confront the situation that occurred in some school boards.

To show how far the minister has progressed in the last year and a half, it's probably worth quoting a couple of sentences from that minister's statement. The minister said on May 30:

We have found that it is not realistic to believe that strike-prohibiting legislation solves most of the problems, or leads to acceptable wage settlements and harmony; or even to believe that it eliminates strikes altogether.

Right on. It shows how much the minister has learned in the last year and a half. In fact, he goes on to say:

We've found much evidence that restrictive legislation of this sort often leads to more disruption and continuing problems than it prevents. Rather than eliminating confrontations it magnifies them and expands them.

With that statement, we in this party, most certainly agree with the minister. Those in Ontario society who feel taking away the right to strike solves something have been totally wrong right along. The minister has found this out.

**Mr. Foulds:** By the way, who's the minister's speech writer?

**Hon. Mr. Wells:** Me.

**Mr. Bounsall:** If the minister is his own speech writer he is to be even more congratulated on arriving at that position about the right to strike, and about the effect of denial of the right to strike.

We in the NDP have said this right along when we have had bills before the House on compulsory arbitration; when we have talked about the bills from time to time and amendments have come up on the hospital labour arbitration Act about the need to grant hospital workers the right to strike, it having been denied to them before. All that denying the right to strike to a group of employees does is to make that strike, when they finally take that action, illegal. It really allows no other recourse in law.

**Mr. Roy:** I thought the member believed in essential services now.

**Mr. Bounsall:** The member for Ottawa East—

**Mr. Samis:** That's the renegade member for Ottawa East.

**Mr. Bounsall:** —gets so confused about things—

**Mr. Samis:** Have him tell us about denticare.

**Mr. Bounsall:** He manages to confuse himself and his own position, let alone other people's positions.

**Mr. Roy:** What about essential services?

**Mr. Samis:** Let's have something on denticare.

**Mr. Roy:** Tell us about essential services.

**Mr. Foulds:** We sure know the member is not one.

**Mr. Bounsall:** We certainly wouldn't want to confuse the member for Ottawa East—

**Mr. Roy:** Tell us about the NDP policy there.

**Mr. Bounsall:** A straight answer to the member for Ottawa East would only result in his getting further confused.

**Mr. Foulds:** Does he have any further bills to discuss?

**Mr. Roy:** Tell us about essential services.

**Mr. Bounsall:** For those who feel threatened in society—

**Mr. Foulds:** Like the member for Ottawa East.

**Mr. Bounsall:** That's right—by granting teachers the right to strike in explicit terms—

**Mr. Roy:** They don't miss the member at all in Port Arthur.

**Mr. Bounsall:** —they should not feel uncertain, they should be reassured by the careful steps the minister has put in this bill.

Interjection by an hon. member.

**Mr. Roy:** Speak up. I can't hear the member.

**Mr. W. Ferrier (Cochrane South):** Is the member going to send his lead-off speech to the Ombudsman bill to his constituents?

**Mr. Roy:** Why not? It is better than most speeches made around here.

**Mr. Speaker:** Order please.

**Mr. Foulds:** It is better than most speeches the member has made around.

**Mr. Samis:** The member for Ottawa East is being a little obstreperous tonight.

**Mr. Speaker:** The member for Windsor West.

**Mr. Bounsall:** Thank you, Mr. Speaker.

The first thing I think should be pointed out to the parents in this province who may be concerned about granting teachers the right to strike are the good faith bargaining provisions in this bill. In more than one place in this bill it stresses that parties must bargain in good faith; and good faith bargaining is, of course, the cornerstone on which all collective bargaining rests. Teachers are a thinking, reflective group of individuals with minds trained to receive and consider ideas as much as by profession they are trained to pass those ideas and those concepts on, both new ideas and old truths. The steps provided for the good faith bargaining assumed here will not fall on more fertile ground than the teachers of Ontario. The trust the minister has placed in their judgement and desire to bargain in good faith, and their capacity to judge, is well placed in this bill.

**Mr. Foulds:** And with the trustees.

**Mr. Bounsall:** And with the trustees; I don't want to exclude the trustees. The trustees by and large are well chosen by the people they represent. If over the years a trustee is found to be recalcitrant in one area or another, it's been my experience that trustee is finally not re-elected. I trust the judgement of the people of Ontario in this matter in terms of electing trustees who take their job of representing their constituents and bargaining in good faith for contracts with teachers very seriously. The people who elect them will ensure they do.

The second thing I find very interesting about this bill is that the minister has appointed a fact-finder. This fact-finder is to be appointed by the Education Relations Commission; he is to examine both sides of the dispute when appointed and report to both sides of the dispute. If an agreement is not made within 15 days, that report becomes public. I think that is a very key provision, one which in other terms we have urged upon various sectors of this government.

It's been our policy that such a board in the public service would be very helpful. The problem in our society, be they servants, teachers or public servants, is that it's very difficult to determine what is fair and what is appropriate in the particular circumstances in a way in which the public understands. Here we have an unbiased third party—I'll speak more about bias later—who comes in and looks at both sides of the issue. This person knows something about education; knows something about what working conditions mean for a teacher; knows something about the problems under which teachers have to labour in their classrooms; what they mean by working conditions; and what they need in terms of the tools to carry out their job of educating children. Looking at both sides of the dispute, he can come in and make a report as to what he feels should be done in the situation. If agreement can't be reached, this report becomes public after 15 days; the public can then judge; it has some criterion for measuring the fairness of the fact-finder's report and to form an opinion as to whether or not the sides should have agreed; or it will become clear—which is very helpful—which side is recalcitrant by the remarks both sides make when the report becomes public.

Then, of course, the report itself is not binding; it is to advise and guide the parties. Having received the report in the first instance, the bill enjoins them to endeavour

in good faith to renew their current agreement.

After 15 days the parties have several routes open to them. One is to go to binding arbitration; another to send all matters of dispute to final-offer arbitration; or after a further 15 days they can proceed along the strike route, provided they have voted on the board's last offer by secret ballot, conducted by the Education Relations Commission. A strike vote would follow rejection of the board's last offer. So the route in arriving at the position where a strike can occur is a very careful one.

I appreciate the very careful steps one must go through to reach a position where the strike situation becomes legal. It is irresistible, I would think, for most teachers and boards in this province to have reached agreement long before they get to the position where a strike is necessary.

Speaking of strikes, there have been very few strikes in the teacher area. It is like everything else, those that occur we hear about. We hear about the length of them, we hear about it almost ad nauseum while the strike is going on.

Yet compared to the number of collective agreements signed between teachers and boards in Ontario over the last two years, the number of strikes that have taken place is almost negligible; I think around one per cent or less.

**Mr. Foulds:** Point nine per cent.

**Mr. Bounsall:** Point nine per cent is it? I am reminded by the member for Port Arthur.

**Mr. Samis:** And he knows.

**Mr. Bounsall:** Well, 99.1 per cent were settled without resort to strike; point nine per cent had to resort to strike.

A very small percentage have gone to strike in the absence of the series of carefully laid down steps we find in this bill. The provisions in this bill should reassure the public that boards will not be continually contending with strikes, nor will teachers be clawing at their blackboards to go on strike. They in fact ensure that very few strikes will ever occur in this province.

There are other good points in the bill Mr. Speaker. All matters, including conditions of work, are bargainable except pensions. Pensions for teachers are found in the Teachers' Superannuation Act.

As time goes on, Mr. Speaker, one might reconsider the whole position of teachers' pensions, and I hope some time in the future

pensions will be bargainable under a teachers' Act. This would, of course, require an Act which changes the funding of teachers' pensions and therefore pensions would become bargainable. In this day and age pension funds are not only bargainable in the industrial world, but in some sectors the workers who produce those pensions are given some say in the investment of those pensions. Over the next few years I think it is incumbent upon us, and on the Minister of Education, to put our minds to finding a way in which teachers can have an input on their pensions and how those pensions can become bargainable; to considering giving teachers, on a portion of those pension funds if they choose, up to a certain maximum perhaps to start with, an input on the investment decisions.

Having pointed out these good things about the bill, Mr. Speaker, the Minister of Education, from the other speakers who have come into the debate, knows full well what our objections are. The biggest flaw, of course, is exclusion of the principals and vice-principals, under section 74, from being allowed to strike with the rest of the teachers.

**Mr. R. Haggerty (Welland South):** Section 74?

**Mr. Samis:** It is section 64.

**Mr. Bounsall:** Section 64, rather. This is a very divisive section, Mr. Speaker. It illustrates the attitude of this government; the residual attitude which somehow considers principals and vice-principals part of a management team, as if you can take the industrial counterpart and transmit it into the school system and say: "There's your equivalent of foremen in vice-principals, and there's your equivalent of supervisors as far as principals go."

Well as the minister knows, this just is not applicable. He cannot make that analogy from the industrial world to the world of teachers in schools.

The minister has heard from more than one person that teachers consider principals and vice-principals to be principal teachers. So we have principals and vice-principals in this bill part of the particular teachers' group or federation to which they belong. That federation is going to bargain on their salaries, and yet the principal and vice-principal are not going to be allowed to participate in a strike vote, or in fact go on strike.

I would like to read a letter I received from a trustee on the Windsor Board of Education. I think this is particularly appropriate because it is a trustee writing to me about



this bill. He comes from a board that has had two teacher strikes in the last two years.

**Hon. Mr. Wells:** Is he a teacher?

**Mr. Bounsall:** He is not a teacher.

The minister is trying to irritate us here tonight. I presume that the minister, by that remark, is objecting to the fact that the people of Windsor chose to elect a couple of teachers to the Windsor Board of Education—

**Mr. Speaker:** Order, please. Perhaps the hon. member would return to the principle of the bill.

**Mr. Samis:** He is just responding to the question, that's all.

**Mr. Bounsall:** Why would the minister make the statement?

**Mr. Speaker:** Order, please. Perhaps the hon. member would speak to the principle of this bill.

**Mr. Bounsall:** Yes, the real *raison d'être* behind it.

Most of the members, on the Windsor Board of Education, as the minister knows, are not teachers nor are they married to teachers. This is not one of them, and it shows that suspicion hasn't passed entirely from the minister's mind with respect to teachers.

**Mr. Speaker:** Order, please. Perhaps the hon. member will return to the principle.

**Mr. Samis:** He is just answering the question.

**Mr. Bounsall:** Mr. Speaker, please call the minister to order for being provocative. He is being provocative at this hour of the night.

**Mr. Samis:** He is explaining the letter, that's all.

**Mr. Bounsall:** In any event, to start the letter, Mr. Speaker:

Overall, this bill is quite palatable. However, there are two very serious questions which I, as a taxpayer, a father of school-aged children and a school trustee must raise. These two questions refer to points in the bill which can and will have far-reaching and long-lasting negative effects on our school system and therefore on the welfare of thousands of students.

No. 1, the exclusion of principals and vice-principals from normal membership should not be tolerated by teacher fed-

erations nor by rational boards of education. The proposed legislation demands all teachers, including principal teachers, to be members of the federation or other teacher organization, but the principals and vice-principals cannot vote on a proposed strike action. Thereby disenfranchised if a strike is imposed, the principals are compelled to cross their own federation's picket line, which will have the effect of totally destroying the necessary positive relationship between teacher and principal teacher.

This is the key section of the letter at this point. He has simply stated what many of us have been stating about the principal and the vice-principal being principal teachers, but he speaks from experience now:

During the OSSTF strike against the Windsor board last December and January, the principals chose to cross the picket lines. The wound is still in the healing process.

During the OSSTF strike against the Ottawa board earlier this year, the principals chose to support the strike action. There was no wound to heal. Therefore at the conclusion of the strike, all efforts turned to the benefits of the students.

This item is most important. If not amended, I feel it could move to destroy the quality of education in this province."

And by that, of course, he is referring to the rift which will arise and can grow between the teachers in a particular school and the principal and vice-principals as they are forced to cross their own federation's picket line.

He gives a point, too, which I may refer to later on another section. But there is the comment of a school board trustee sitting back and observing the Windsor situation, where the principals decided to cross the picket line.

**Hon. Mr. Wells:** What is the other point?

**Mr. Bounsall:** I'll get to that when I—

**Hon. Mr. Wells:** I'd like to hear that now.

**Mr. Bounsall:** Oh, would the minister like to hear that now?

**Hon. Mr. Wells:** Yes.

**Mr. Bounsall:** All right:

No. 2, I am led to believe that the purpose of the commission is to provide a reasonable degree of neutrality. [He is

speaking of the Education Relations Commission in his second point.) Inasmuch as this commission will have considerable prestige and influence, I find it impossible to believe that neutrality can be achieved with appointments being made by the Lieutenant Governor in Council.

I'll have further remarks about the composition of the Education Relations Commission, Mr. Speaker, in just a few moments. Continuing on about the principal and vice-principal situation, I don't really see why the minister has to have this section in here at all, except inasmuch as he is completely misguided in an analogy between industry and schools.

In many schools I would suspect the opinion as to whether or not to strike and the consequences of that strike, that whole topic, would best be addressed by the principals and vice-principals who belong to that particular federation. But the fact is that they cannot take a strike vote; they really cannot attend the meetings in which the topic of strikes comes up, or if they attend they certainly can't speak. In practice they should leave the meeting entirely and not participate at all or even listen to the arguments.

This not only deprives the principal and vice-principal of a right, it deprives the federation of their input, that is the particular group of teachers who are coming to a decision as to what kind of action to take. It really denies that group the opinions of what are to them, and quite legitimately, the principal teachers; the teachers they respect in many instances, I would say in most instances.

This is the serious flaw, this attempt to make some real difference between the principals and vice-principals and the rest of the teachers in the school.

And let me say right here, Mr. Speaker, that if I were a teacher in the elementary or secondary school system, and if I had to be making and participating in the decisions as to whether or not to strike and if the result was to strike, I would hope the group to which I belonged, in the interest of the pupils, would ensure that the libraries of the school stayed open so that children or parents who feel that they should have some means of continuing their education would have the libraries of those schools available to them. In the decision as to who should return to the schools, if anybody, in a strike situation, I would think they may rationally think and give their approval to

principal or vice-principals returning; teachers returning on a rotational basis to man the libraries so that those libraries could remain open.

But that is a decision to be made by those teachers who have finally decided, having worked through all the steps of this bill, to take that strike action; that decision should be theirs.

It speaks to their maturity, if the particular group of teachers in an area, should they go on strike, set up some sort of rotational basis by which the libraries are kept open for the purposes of those students who wish to come in and continue on work under their own guidance.

They should not, however, be in a situation where there is no way these two important groups of persons should be forever not eligible to take strike action. In fact, it puts them in an invidious situation, Mr. Speaker, when the principals and the vice-principals are not allowed to strike.

They are not allowed to take a strike vote; they are not allowed to be with their colleagues who are taking this sort of action, should it come to that. Yet this very group that has gone on strike must negotiate the salary and working conditions of the principals and vice-principals. They have to negotiate salary and working conditions for a couple of categories of their membership who are not allowed to take that collective action with them or have an input in accepting or rejecting the contract or what levels they wish to attempt to achieve. This not only deprives principals and vice-principals of a right, it sets up a situation which in terms of working conditions and salary can as well be highly discriminatory for them; it doesn't necessarily have to be, but it can be.

Mr. Speaker, I would hope that the Minister of Education is throwing in this section of the bill so that when it gets to the committee stage he can again be complimented for the fact he has taken it out. However, I certainly hope it comes about in the committee stage; this section of the bill must be removed.

The other aspect on which the trustee from Windsor wrote to me was the Education Relations Commission. I have had many letters from principals, vice-principals, staffs of schools and individual teachers over the last three or four days. One of the points which occurs time and time again is the unease about the Education Relations Commission.

I understand, Mr. Speaker, that this is not



an original thought which the minister has laid out here. It occurs for the first time I know of in the Saskatchewan bill on teacher collective bargaining. The name is almost directly copied from that bill. They call theirs the Educational Relations Board, we have the Education Relations Commission. However, the constitution and the makeup of the two differ rather widely.

In the Saskatchewan legislation, the Educational Relations Board is also composed of five members. However, two are nominated by the federation, two by the school board associations and one member, the chairman, is nominated by a majority of the other four members. Where agreement cannot be reached among the other four members, the chairman shall be nominated by—and I think this is almost as interesting as the fact that the board is composed of two nominees from the federation and two from the association—the Chief Justice of the Queen's Bench.

I don't know the full significance of that, but to me it says that the Chief Justice of the Queen's Bench is a totally impartial person and when asked to appoint the chairman of this very important, in Saskatchewan's terms, Educational Relations Board, he is sufficiently above the fray and sufficiently knowledgeable to make a fine appointment.

**Hon. Mr. Wells:** He is not accountable.

**Mr. Bounsall:** That is why I find it interesting. Perhaps in committee we can have dialogue about who can best make that chairman's appointment.

**Hon. Mr. Wells:** One either believes in the total democratic process or one doesn't believe in it. People should be accountable for the decisions they make.

**Mr. Bounsall:** That is the reason the minister didn't choose the Chief Justice in Ontario's situation, but certainly I can see Saskatchewan choosing—

**Hon. Mr. Wells:** It is a different commission. It is not the same type. Theirs is an adversary type of commission.

**Mr. Bounsall:** This is what we need to talk about at some length in the committee.

**Hon. Mr. Wells:** We don't see an adversary situation.

**Mr. Bounsall:** There is real unease about this. The unease was reflected in the second point which I read from the school trustee. He finds it impossible to believe that neutrality can be achieved with appointments

made by the Lieutenant Governor in Council.

That unease is expressed in many of the letters I have received. It's a case of who is more impartial, the minister and the Ontario cabinet with the Lieutenant Governor putting into effect the recommendations of the minister; or a Chief Justice in the Province of Ontario.

Many teachers are concerned, and obviously some school trustees are concerned, about the appointment of the chairman and, in fact, the whole board, by the Lieutenant Governor in Council. I am not totally sure that I agree, but I share some of the unease. It's the old story: We would be a bit uneasy about the minister's appointments, and the minister would be a bit uneasy about our appointments; the school trustees are a little bit uneasy unless they have some say in those appointments, and obviously the teachers are a little bit uneasy unless they have some say in those appointments.

What we are saying here is that if the minister proposes, as he has in the bill, that the commissioners be appointed solely by the Lieutenant Governor in Council, what he has to do is to be absolutely scrupulous that those appointments are above criticism. If he can achieve that—and this is a key consideration in this bill working at all—if those appointments are above criticism, then the Education Relations Commission, and all those jobs which that Education Relations Commission must do, become much more believable. Some suggestions, name-wise, came from the member for Thunder Bay—

**Mr Samis:** The member for Port Arthur.

**Mr. Bounsall:** I am sorry; the member for Port Arthur—for that Education Relations Commission; and I am sure the minister is very much aware how careful he must be in those appointments.

There is one other worry that I have about this section, and that is the length of the term of those appointments. I would be much happier if those appointments, carefully gathered as the minister must gather them, were made for longer periods. What I fear arising here, with these appointments made for one, two or three years in the initial instance—and I assume they are going to be three-year appointments, all of them renewable—is that in the last year or year and a half of a member's work on this commission, the member will be second-guessing



what sort of decisions he or she should be coming up with to ensure reappointment.

We have seen this sort of thing happening in the case of chairmen of arbitration boards under the Hospital Labour Disputes Arbitration Act. We get a very good decision from one arbitrator and one can almost see him becoming nervous, over the next three or four, about giving a similar award in other areas, lest he not be reappointed as an arbitrator again; and he almost reverses himself in terms of the quality of his decision.

I have often suspected that other arbitrators have not gone as far as they would like to have gone, not because there is any direct pressure upon them, but because they hope by being very conservative to satisfy those people who appointed them in the first place; they are bucking for a reappointment.

I would have been much happier, Mr. Speaker, to have seen a much longer term for the hopefully scrupulously good appointments the minister is going to make in the first instance. If he is not going to take onto that board, representation from the involved groups, then those appointments must be scrupulously good. I would hope, therefore, that their terms could be longer without their having to start worrying every two years, or prior to that, whether or not they are going to be reappointed or if their decisions are such that they become eligible for reappointment. This is a matter of real concern.

Everything in this bill hinges on the appointments to the Education Relations Commission. If the minister can make good appointments, then this bill has a really fine chance of working. If he can't, or if in any one of those appointments either side or the general public feels that commission is being stacked, then the whole concept here is into real problems.

There are other things about this particular commission that I can see will cause concern amongst the teachers and school trustees in Ontario. One of the duties of the commission, as stated in section 60 (1) (f) is: To determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement. We support that as being one of the duties this Education Relations Commission should have. We support the minister on that point.

I don't know how often we have said to the Ontario Minister of Labour: "You cannot be neutral in a situation. You must be

impartial. In that impartial way you have an obligation to look at both sides of the dispute and if you have determined that one party is not bargaining in good faith, you should make that fact known."

Here, in the bill this minister has made provision for this. He has said to the Education Relations Commission that it can make a determination, exercising its discretion, as to whether or not either of the parties is not negotiating in good faith. We support him in that, and this is what we would like to see done in normal labour relations. Here again, if any one of the members of that commission is not above rebuke in terms of impartiality, that duty is going to be suspect. I can understand the unease of people reading the duties of that commission when they come across section (f).

What we are saying here is the concept of the Education Relations Commission is good. We agree—I agree, at least, and our party does I am sure—with the duties as outlined but the appointment of those commissioners is very important. The minister has to make them in such a way that the fears not only of us on this side of the House, but of the teachers, of the boards and the general public can be completely allayed.

There are several other things in the bill, Mr. Speaker, which need to be addressed in terms of what I find to be detrimental.

Clause 1 (l) defines what a strike is. Clause 1 (l) subsection (i) which defines withdrawal of services as what a strike is, is the definition of a strike.

If the minister had stopped right there and had not enumerated any further points, this would have been a better bill. A strike is a withdrawal of services; full stop. The other additions make this a weaker bill. All the additions make this a weaker bill except for that first definition that a strike is a withdrawal of services. A slow down in the performance of duties? This must be the first time in legislation anywhere that I know of that a slow down in duties is defined as a strike. It's ploughing new ground as far as I know, Mr. Speaker, and it is not a step forward.

It may well be rather appropriate, in terms of particular conditions existing, for a board to determine the solidarity of the teachers, should they observe that the teachers have undergone some slow down in the performance of their duties. I can't conceive how this would happen in a school system. I cannot conceive of teachers decid-

ing, for example, to say to their pupils: "We are going to take only another half page today because we want it to be driven home to the board that we are slowing down our work." I can't see how any teacher in a classroom could resist presenting material to that classroom or could try to stop pupils from working at a rate faster than they at the moment are prepared to let them work. It just doesn't make sense, that definition, in connection with teachers in Ontario; the bill would be stronger without it.

Point 4, the giving of notice to terminate contracts of employment. Two years ago, it seemed as if the right to strike was always there, of course, because it wasn't denied but to the teachers who went through the mechanism of submitting resignations en masse, that looked to them as the only sort of legal way—because of their individual contracts they have with the board—of giving notice that they were going to strike. There's really a redundancy here. They have the right to strike, they have the steps laid out in this bill; why irritate them by including this provision? It isn't required to be used.

**Hon. Mr. Wells:** It's making it legal; making it all legal.

**Mr. Bounsall:** The giving of notice to terminate contracts of employment is called a strike, under subsection 4(1) of 1. It's really a redundancy here.

**Hon. Mr. Wells:** No, it's not.

**Mr. Bounsall:** We'll talk about this further in committee when we get there. But, of course, I'll add my voice to the crescendo in this House about point three, the discontinuance of the co-curricular or extra-curricular programmes in a school or schools. Really, that's being inflammatory.

**Hon. Mr. Wells:** No, it isn't I haven't heard one person who knows what that section means. That means we haven't worded it right, but I haven't heard one person say what that section means.

**Mr. Bounsall:** All right.

**Mr. Ferrier:** The minister should have had an opening statement.

**Hon. Mr. Wells:** It just shows that I'm smarter than a lot of lawyers around, because I wanted to use it.

Interjections by hon. members.

**Mr. Bounsall:** The minister indicated before when he rose to give the short—

**Hon. Mr. Wells:** The fewer lawyers we have around these bills, the better off we are.

**Mr. Foulds:** He's saying nasty things about the member for Ottawa East.

**Mr. Speaker:** Order, please.

**Mr. Ferrier:** He's not saying very many nice things about the Premier, then.

**Mr. Roy:** The Premier is also a lawyer.

**Mr. Samis:** The Premier is a lawyer.

**Mr. Foulds:** It was the Premier who forced him into Bill 274.

**Mr. Bounsall:** The minister did, in fact, indicate there were amendments he was going to bring forward. I don't know whether he has communicated this to any members of the House or not, but obviously a thorough discussion of this must take place in committee. The minister is saying that it really doesn't mean what everyone here is interpreting it to mean; at least, we've not found it as he intended it. So I assume this is one of the areas where amendments are coming. But if it's as we think it is—

**Hon. Mr. Wells:** The teachers know what it is.

**Mr. Bounsall:** Well, then, the teachers that are communicating with me are communicating the way that I would interpret it. This really needs to be removed. This is going to give real problems. This is going to be a cause of more discontent. Here again, Mr. Speaker, in speaking to this, it's going to give more irritation. And it is not the fact that it's going to be applied at some point—that they would need to take that action at some point—but in the sense of: What if we need to take some action at some point? We're denied the right to do this.

This might be one of the things that it might occur to them to do. Some time in the history of this province, some teachers and some of our boards may take that sort of action to discontinue some extracurricular programmes which they have taken on, or some co-curricular programmes which they have taken on or had assigned to them as negotiations reach a certain point. But the government is in danger.

**Hon. Mr. Wells:** We're not prohibiting it.

**Mr. Bounsall:** The government is defining it as a strike; and there's only a certain time in the lifetime of a contract that a strike can take place.

**Hon. Mr. Wells:** That's right. Now the member is getting it.

**Mr. Bounsall:** The minister hasn't learned quite enough. By defining it and putting it in this section, what the minister is really indicating is that these things cannot take place except after they've arrived at the legal strike situation. What it's going to mean to teachers—and it wouldn't ordinarily occur to them—is that they cannot take this type of action in the lifetime of the contract.

**Hon. Mr. Wells:** That's right. That's absolutely right.

**Mr. Bounsall:** That is where the minister is being provocative in this bill.

**Hon. Mr. Wells:** No, no; that's not provocative. That puts work to rule in with all the other sanctions; and that's exactly what it's intended to do.

**Mr. Foulds:** Well, that is why the bill is badly flawed.

**Hon. Mr. Wells:** If that wording isn't right, we'll get the right wording. That's all it's intended to do—to put the work to rule sanction in with the other sanctions.

**Mr. Foulds:** That's not what it does.

**Hon. Mr. Wells:** That's what it's intended to do. As I say, if I had had the wording rather than the lawyers, that's exactly what it would have said.

**Mr. Bounsall:** We look forward to the dialogue, then, that's going to take place in committee over this section; we'll get into this section and—

**Hon. Mr. Wells:** That's all it's intended to do; bring work to rule within the ambit of the bill.

**Mr. Bounsall:** —at least then, that's the intent of the minister in this regard.

**Mr. J. A. Renwick (Riverdale):** I am afraid to speak after his remarks about lawyers.

**Mr. Speaker:** Order, please, the hon member for Windsor West has the floor.

**Mr. Bounsall:** Yes, I won't be very much longer, Mr. Speaker.

**Mr. Renwick:** We argued for days on that.

**Mr. Bounsall:** I think in terms of the bill itself the prominence of final-offer arbitration is a little too much—in terms of looking at the totality of the bill—but at least we need one place in legislation where we spell this out.

It has been my experience, as labour critic of our party, in reading the written reports of all those persons engaged in final-offer arbitration—i.e. the mediators, the arbitrators themselves—they feel this is not a good means. We would certainly have it as one of the options which any group of persons could have, should they so choose to take it, by spelling it out for the first time in Ontario legislation, and the detail it required seems to give it a bit more prominence than it deserves as a means of reaching a settlement. Of course, it is simply the decision of the parties in dispute whether or not at any time they want to use that.

I might say that the Education Relations Commission, if I can return to that for a moment, is certainly an interesting concept. The appointees must be of absolutely undeniable quality. Certainly the cabinet likes the concept enough to carry it through into the bill governing bargaining between the council of regents and the community college teachers, where the almost identical Colleges Relations Commission is set up.

In the consideration of the Act to amend the Crown Employees Collective Bargaining Act last spring, when we finished off the 1974 session in the spring of 1975, the House leader and chairman of the Management Board (Mr. Winkler) indicated that perhaps not too much emphasis should be placed on that particular amending bill, because some time in the very near future he was going to bring into that bill a completely new concept in labour relations. So, obviously, in February, 1975, this whole idea of an Education Relations Commission and the Colleges Relations Commission was being talked about in cabinet. I expect that some time in the very near future a Public Service Relations Commission could well come forward for the Crown employees in this province.

In each of those cases, however, the same thing would apply. It will work if the personnel on those commissions are absolutely above reproach and are impartial. If any one of them cannot be found to be impartial, then the whole concept is not worth the paper it is written on and anything which they do, including the appointment of fact-finders and finding and training



fact-finders, will all be a colossal waste of time.

I share a little of the feeling of unease over the termination dates and feel they should be flexible upon that point. I need not dwell on that. I can see, with the Education Relations Commission supplying facts and figures to both sides in disputes where contracts are coming up, their need to appoint fact-finders and train them. They are going to be busy all year long, but there will be a peak, with contracts running out on Aug. 31, where they are going to be at their busiest. It won't hurt the bill, it won't hurt the principle of the bill and it won't hurt the labour relations in this problem between boards and teachers, if we make that date flexible, if for no other reason than to be able to build some flexibility into the bill and relieve the peak of work which is going to hit this commission and its fact-finders—some of whom are not going to be that easy to find and some of whom are going to have to be trained.

The final point of concern over this bill is that I do share the concern of my colleague from Thunder Bay about the omission in the bill, which may be completely inadvertent, which could deny the teachers the right to strike because of the wording of clause 63(1)(c) and section 15.

Section 63(1)(c) in one of its provisions indicates that a strike can take place only after a fact-finder has been appointed and 30 days have elapsed after the commission has given a copy of that fact-finder's report to each party.

Of course, section 15 is where a fact-finder can be appointed. He can be appointed by the commission.

If the commission is of an opinion that an impasse has been reached; or if one or both parties gives notice to the commission that they would like to have one; or the written collective agreement that was in effect between the parties has expired and a fact-finder has not been provided.

The situation my colleague spoke of is what happens if neither of the parties finds it useful to appoint a fact-finder and the Education Relations Commission, in supplying information to both sides, has come across a particular situation.

Here again we are talking about the 0.001 per cent of negotiations which may be entered into. We are talking about the very unusual case. What if the commission knows beforehand that in that particular instance

it would not be feasible to appoint a fact-finder? Both sides could have already communicated with the commission, saying, "Don't give us a fact-finder. Not only are we not asking for it, we are saying to you it isn't going to do any good. We are just wasting time if that fact-finder is going to come in, talk to us, present his report and 15 days go by; we are not going to accept it. Sure, it is made public but we are not going to let public opinion affect us." I think either of them would be unwise to take that position; or certainly, if they have it to say that. But if one gets the feeling this is the situation and the minister doesn't appoint a fact-finder, a fact-finder has never been appointed.

There is a mechanism under the Labour Relations Act by which a conciliator comes in and makes a no-board report. I assume that in this type of situation, to obey the legislation the minister would have to appoint the fact-finder or strike action could not subsequently take place. I think this needs to be clearly stated in the legislation. In that unusual situation I have outlined, could a fact-finder go in and after a relatively short time, hearing both sides, make a report to the effect that in this situation it is not worth making a report? That's what is referred to as a no-board report under the Labour Relations Act. Is that provision clearly allowed for in this particular Act?

**Hon. Mr. Wells:** That is bad faith; that would be bad faith almost.

**Mr. Bounsall:** The fact-finder isn't going to be faulted on bad faith. The fact-finder goes in and he may well find this situation. He may well find a great degree of stubbornness; he may well find that neither of them is sufficiently—

**Hon. Mr. Wells:** Yes, but the member is—

**Mr. Bounsall:** —locked in to call it bad faith.

**Hon. Mr. Wells:** The member is going to start interfering with the whole principle.

**Mr. Bounsall:** What we are saying here is that—what you are saying is, "No, that situation won't arise because the fact-finder is going to go in, look at the situation, and charge both of them with bad faith bargaining." That, in essence, is tantamount to a no-board report.

**Hon. Mr. Wells:** I would rather leave it the way it is.

Mr. Bounsall: Okay. Now if that's tantamount to a no-board report they can then proceed to go on strike, I take it.

Hon. Mr. Wells: That's what subsection (c) says, I think.

Mr. Bounsall: There has to be some provision for the fact-finder, whether or not he finds bad faith bargaining. Let's put it this way; if both sides have exhibited bad faith bargaining and the fact-finder goes in and finds that, there is nothing he seems able to do. If he writes a report he gets the strong feeling that it is useless and that another 30 days are lost or have gone by, and bad faith bargaining has been exhibited on behalf of both parties. When I say this we are talking about the unusual situation.

Hon. Mr. Wells: That is really not good enough in this kind of dispute. That may be all right in an industrial dispute but that's not good enough here because that violates the spirit of it.

Mr. Foulds: Call the minister to order, Mr. Speaker.

Mr. Bounsall: What if it happens? Yes, I think maybe we should move this dialogue to the committee. We have reached the committee stage over this point, and I look forward to that part of the committee, Mr. Speaker, because I think one needs to be a little careful here over this particular point.

My final point, Mr. Speaker, is, having been on the procedural affairs committee and having gone through all those arguments this year about whether or not committee proceedings should be recorded, the last report of that committee to the House on this matter was that if a matter or a bill referred to a standing committee is deemed to be of special interest, the consent of the House must be given to have the deliberations of the committee recorded.

I would say to the minister, through the Speaker, that this is a bill, on which the representations before the committee from the various interested groups should be recorded. The explanations and the feel as to what the interpretations of some sections are by the ministry, the intent of what you are arriving at to compare with the final wording, are worth being recorded.

So when the minister refers this bill to committee, as he has said he would, I would hope the minister would stand in this House and say that he favours this being one of the bills of special interest to this House; that he personally favours the

deliberations of the committee being recorded; and that he would vote for the recording of the deliberations of the committee and would urge the other members of the House to so do. I would strongly urge the minister to consider that.

The appropriate motion, I am sure, will be placed so that the committee deliberations be recorded. I would ask beforehand that the minister make his position known to this House, the position hopefully being that he would favour the committee deliberations in this matter being recorded. Thank you, Mr. Speaker.

Mr. Speaker: The hon. member for Essex South.

Mr. D. A. Paterson (Essex South): Mr. Speaker, in rising to speak on Bill 100 dealing with the negotiation of collective agreements between teachers and school boards, I do so on the understanding that this is a basic step forward that has been requested and suggested for many months and that it is generally going to receive all-party support in this Legislature.

Many of us members I'm sure have been the subjects of a fairly heavy write-in this past weekend, mainly dealing with three principles embodied in the particular piece of legislation: having to do with extra-curricular work, the Education Relations Commission, and the dispute concerning principals and vice-principals. I hope the minister, in his wisdom and in the realization that he is receiving all-party support on the major principle of this particular bill, will adjust to some of the suggestions that have been put forth earlier today and this evening by the various members and will attempt to clarify some of the questions put forth by the members as well.

One of the things that has amazed me, Mr. Speaker, has been the very active and successful communications system of the teachers' federation. I am sure their membership as a whole is pretty well aware of what is going on. I know when I returned to my riding last weekend they knew the bill was coming up for debate on Friday and again today. They were quite conversant on many of the principles embodied in this particular legislation.

This past Saturday morning I had the privilege of meeting with the executive of District 34 of the Ontario Secondary School Teachers Federation who brought forth a 10-point critique of the bill. We had a very full discussion relating to these particular points and to the bill as a whole.



With this in mind, I would like to keep my remarks quite specific and go through these 10 points that have been raised and make a few comments in relation to those matters. In the presentation of District 34, they feel that Bill 100 in its present form—and I trust the minister is not only going to clarify but is going to make some changes in the legislation. They feel that in the present form this bill is not really desirable. They feel it will affect relations with the Essex County Board of Education and have suggested it appears to be more of a stumbling block than a stepping stone to improved teacher-board relations in negotiating a collective agreement.

In their presentation, they deal with this clause by clause as we go through the bill and in the definition of strike with the discontinuance of the co-curricular or extra-curricular programmes in a school as being part of the definition of a strike. I listened to the minister's remarks here a few moments ago in his interjections to the member for Windsor West, it was indicated that, if he is not satisfied personally with the wording of this particular section, he will clarify this.

The one thing I think that hasn't really been brought out in the debate as I've heard it today is something about school spirit. Personally I feel that the teacher involved in a co-curricular or extracurricular programme is not simply a teacher performing a function, he is part of a school spirit that prevails through the whole school. He or she as well as the other teaching staff are all part of the spirit and they will carry forth in these particular activities without it being embodied in the legislation.

The first question that District 34 suggests is that this particular section needs clarification as the minister has indicated he will do. It states:

If the framers of the bill can explain how voluntary activities, traditionally based on good will and on an unpaid basis, can overnight be made mandatory, such explanation will be welcome.

I do trust that the hon. minister can set this matter straight and clarify it not only for us in the House but for the teaching profession itself.

In relation to section 3 of the bill, District 34 feels this clause will cut down on the locally accepted forms of teacher-board communication. In Essex county we've had a standing committee of teachers on the board that has functioned on a continuing basis and I think this is good. My interpretation

of labour-management relations is that in all areas there should be these committees for ongoing discussion to make changes as they come to the attention of either side.

In this respect, I believe when the ministry made certain funds available to the county boards a few months ago, the Essex county board in particular was able to pass on, I believe, a \$50 per month increase in wages to its teaching staffs. The interpretation that District 34 places on this with this restrictive clause, is that it would not be able to undertake these types of activities. I do hope the minister will clarify as to whether there can still be these ongoing committees that will deal with minor differences and clear them up during the inter-period of a collective agreement with their teachers.

In relation to the principle in section 15—that is, the commission—a fair amount has been said on this. But my group of over 500 teachers is quite concerned that there will be delays and negotiating backlogs due to insufficient numbers of fact-finders. They have put forth their case quite strongly on this. They are concerned as to how unbiased the person on this commission can be. They are very concerned with the catching-up position, with the inflationary pressures and the number of boards and the number of teacher groups that are behind in the provincial levels, that there will be a great deal of pressure with the 233 negotiating groups all trying to finalize details before the affixed date.

The other problem that has been drawn to my attention is that they feel this commission is taking away from ministerial responsibility as such; that they may be the determining factor and there can't be the final political decision by the minister in relation to matters of concern that the commission is dealing with. They further feel that the fact that there probably will be insufficient numbers of people, could be utilized by a particular board as a stalling device, and I pass this thought on to the minister for his comment.

Under section 27, a principle embodied therein has also been drawn to my attention; this is in relation to the fact that the copy of the report shall not be made public by the commission. District 34 feels the words "shall not" should be changed to "may be made public." I recall the discussion we had the other day in the Attorney General's estimates where he detailed a particular case of a wife who might have complained to the police and placed her husband on the interdicted list; certainly it would have served no useful purpose to have released that information, but



there are many other occasions when the public business in fact should be public and not be strictly confidential.

Regarding the principle in section 51, dealing with expiry dates of these contracts, here my secondary teachers seem to feel there is an amount of inflexibility in this particular clause. In our particular area we have been operating under a calendar-year contract to coincide with the board's fiscal operations. This has worked out quite well.

My understanding is that by late fall the boards do have an understanding from the ministry as to their financial commitments, and as such can deal much more effectively and more intelligently with their teachers in negotiating their contracts, because they then have the really true figures on which to base their negotiations. I would ask the minister to reconsider whether it is really advisable that all school boards as such should have their contracts expire by Sept. 1 instead of on a calendar-year basis.

The matter of good faith bargaining comes under section 60. A great deal has been said about this old chestnut, which I have heard for 12 years around here. What is good faith bargaining? It's something I don't think that will ever be resolved 100 per cent—

**Mr. Ferrier:** The member should not be so pessimistic.

**Mr. Paterson:** Well, I won't be here; I trust that the terror from Timmins, in his remarks following mine, will maybe expand on that a little bit and throw some optimism into this particular debate.

Under this section too, District 34 is concerned about the fact that the commission will be supervising the votes under a secret ballot. They pointed out to me that traditionally in our area they have voted with a secret ballot and they've always had a very large percentage of their total membership out at any particular voting time.

In section 63, there is a principle that has been drawn to my attention, that is, what comprises the last offer upon which teachers must vote? My teacher group really feels this could be a stalling device, indicating there could be a series of these last offers brought forth by the board. There is the fact that this clause doesn't require management to take back these particular last offers to the board for further discussion but only to present it to the teachers. They feel that this could eventually wear down the teacher negotiating team if there are a series of these last offers. Possibly the minister would clarify

this particular section to give a firm and fair understanding in regard to this.

I think section 64 has been dealt by every previous speaker. That has to do with the principal and vice-principal situation. All I would say is that the minister should simply withdraw this particular section and make this bill palatable to the teaching profession and us in the opposition.

There is a principle in section 65 that has been drawn to my attention concerning the word "threaten." It says: "The federation shall not and no affiliate or branch affiliate shall call or authorize or threaten to call or authorize an unlawful strike." It has been suggested to me that it's conceivable that the head of District 34 could send a note around to the teachers that they're having difficulty as they proceed toward the end of their current contract and advise them not to enter into any serious financial obligations in the two or three months ahead as there is the possibility of strike action. Could this be interpreted as threatening a strike?

The minister shakes his head to indicate no. This particular section I do believe needs clarification. Possibly a routine form that was sent out by a district federation could be interpreted as a threat. I think this should be spelled out so that general information cannot be so construed.

I missed one point in dealing with section 64 which I have suggested be removed from the bill. That is the fact that there could be several vice-principals in a school. This has been drawn to my attention. Conceivably in a school of 60 or 75 staff members, there could be 10 or 15 vice-principals appointed by the board going into a position of a strike situation. As long as that clause remained in there, these people so designated would be construed as part of management and could, in fact, continue to operate the school. This is something that my district teachers were quite concerned about.

In section 77, subsection 4—and I haven't had a legal interpretation of this—the district is quite concerned as to whether, if a member of the association has been proved guilty of an offence under this Act, does it open the door to any ratepayer to take this particular person to court? I haven't had the opportunity of discussing this with my colleagues trained in the legal profession, but it is a concern I wish to pass on to the minister at this time. Does this whole area of section 77 open up another legal ambit that makes teachers, members of the association, liable for further court

action if they are proved guilty of an offence under this particular Act? I trust the minister can clarify this to my satisfaction.

These, Mr. Speaker, are the points that I have tried to bring forth on behalf of the 500 members of District 34 and I trust that the minister, in his wisdom, will see fit to not only comment on some of these suggestions and requests, but hopefully take these suggestions to heart and amend the bill to the satisfaction of this particular teacher group. I will send the minister a copy of the brief that was given to me so that he may have this first-hand and follow through on it. Thank you, Mr. Speaker.

**Mr. Speaker:** The hon. member for Cochrane South.

**Mr. Ferrier:** Yes, Mr. Speaker, I wish to make a few brief remarks about Bill 100. It certainly indicates that the Minister of Education himself has had an education over the last few years and, to his credit, he has learned a great deal and has brought in a bill that in many respects should stabilize collective bargaining by the teachers and the school boards of this province. It's a far cry from that bill in December, 1973, when we had a really bitter and hard-fought debate in this House and the teachers in this province were very greatly stirred up in opposition to the government's action in refusing them the right to withdraw their services and to have the right to strike. I think the minister probably had a difficult job persuading some of his colleagues in cabinet and some of the right-wing members of the Tory party out in the province that this was the right approach to take.

But, to his credit, he must have stood his ground and fought it through and realized that to give, as a final right, the right to strike to the teachers of this province would ensure much better relations among the teachers and the school boards, and would mean that the teachers would probably work that much better in their classrooms because there wasn't something rankling and aggravating them and causing a good deal of dissatisfaction among them. So I would like to commend the minister that he takes this position and has been able to fight it through in cabinet and caucus and to bring it to the House in this way.

The member for Windsor West, I believe it was, gave a very detailed analysis of the bill, but there is quite a good procedure for school boards and teachers to follow in their collective negotiating and there are many

ways of averting a strike. If these tactics and these procedures work, then I don't think we will necessarily have many strikes among the teachers of this province, and I think that is something that we would all want to see.

We don't specifically want to see relations deteriorate to the extent that the only way the group—teachers in this instance—can gain its objectives and get what is rightly its own is by taking this very drastic step. I hope these procedures outlined in the bill, the fact-finders and the possibility of going to voluntary arbitration, will have an effect. The final offer selection, while not too keenly supported by members of this party, may in the odd instance be followed. The Education Relations Commission, if it does its work properly, will also have a beneficial effect.

I am pleased that section 9 says all things are open for negotiation—things like class size, working conditions and this type of thing. The teachers have a stake in education. They have committed their lives to this objective and have made this deep commitment to it. I think they have a right to say what they think is good educational policy and the right approaches to take in the classroom and this kind of thing.

I am glad the minister has rejected what Reville was saying and has come in with this section. I think it will make for better harmony, better teaching and better education for our students in our schools in this province by giving this right to teachers and giving them a say in the kind of education which is going to be taking place in this province. Certainly, as far as I am concerned, it is certainly the right policy and procedure to follow.

Like other members I have had a great number of telegrams from the principals and vice-principals of the schools in my riding. They have objected very strenuously to the vice-principals and principals not being allowed to vote on a strike or to participate in a strike. They feel this is most unjust and unfair. I think it has been said here tonight that to take them out of this process will cause strife and misunderstanding when by legislation they have to cross the picket line which ordinarily they would not want to cross.

The aim, I think, in most schools is for the principal and vice-principal to give leadership and develop the best kind of programme within their own school with the teachers. I think we should be trying to keep the principals, vice-principals and teachers together and working as much in co-operation as pos-



sible and I feel this section is going to impede that. I think it is also a kind of a slap in the face, should they go to the extent of striking, that the principals' and vice-principals' salaries and other things will be negotiated for them and they are not—can they participate in the ratification vote?

**Mr. Samis:** They can.

**Mr. Ferrier:** They can participate in that but they can't have much say in those negotiations going on at that time. I hope that the cumulative—

**Hon. Mr. Wells:** They can be the chief negotiators.

**Mr. Foulds:** That is the irony of that clause.

**Mr. Ferrier:** That is the irony of the clause, my good friend from Port Arthur says.

**Hon. Mr. Wells:** We could argue it either way.

**Mr. Foulds:** If we can argue it either way, remove the clause.

**Mr. Ferrier:** We hope the accumulated weight of the arguments being directed toward the minister from this side of the House, and from the principals and vice-principals in his own riding and all the ridings across the province, will persuade him he will improve his bill that much more by removing section 64.

I don't want to say anything more, Mr. Speaker. I think the minister has, in many respects, brought in a good bill—and it can work. The other members of this caucus will be dealing with the clause-by-clause sections and suggesting where, perhaps, it can be improved, and doing that kind of work. But I feel that with section 64 removed we would have that much better a bill. At the same time, I would like to commend the minister for the great improvement he has made over December, 1973. I think I criticized him pretty strongly at that time.

**Mr. Samis:** The member for Cochrane South had good reason to do it.

**Mr. Ferrier:** With good reason; but I am glad to see that he has come to the position he has. He has given the leadership within his own group, and we have this bill before us tonight.

**Mr. Speaker:** The member for Welland South.

**Mr. Haggerty:** I would like to add a few comments relating to Bill 100, An Act re-

specting the Negotiations and Collective Agreements between School Boards and Teachers.

It indicates to the minister that I support the bill in principle, but with some reservation as it relates to certain clauses in the bill—for example, part I, section 1(l)(iii) and part VIII, section 64, subsections 3 and 2. I do hope the amendments the minister is sitting on will have some relation to these two particular sections that have been in question all night by previous speakers.

Although the bill is a major improvement over the two previous bills that were debated in some length—Bill 274 and Bill 275—this bill is a workable piece of legislation. Perhaps it is not the complete cure-all for disputes between the teachers and the school board or, in fact, the Ministry of Education—but it does establish a collective bargaining process for the teaching profession which allows them the right to strike. Whether that improves the bargaining position will remain a question in a number of minds throughout Ontario. There are some provisions in the Act that, if applied under the Labour Relations Act, would indeed improve that body, and the bill provides continuation of bargaining rights.

I have heard the discussions tonight about good faith bargaining. Usually that's the general practice in any labour agreement in the Province of Ontario; good faith bargaining—no strikes and no lockouts. Of course, this is indicated in the bill. But when I look deeper into the bill, and I think in particular of part IX, it is almost like having a guillotine over a person's head.

The explanatory note says: "Provision is also made for the appointment of a fact-finder if negotiations come to an impasse and for a choice by the parties of voluntary binding arbitration or final offer selection." Of course, that was a suggestion put forth by my colleague, the member for York Centre (Mr. Deacon). But reading between that explanatory note and part IX, section 77 of the bill, one looks at the fines that are applied there for any violation of the Act. I would say it is compulsory arbitration when there are fines of that magnitude.

(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which the contravention occurs or continues.

(2) The council and every member association and every board and federation and every affiliate and every branch affiliate that



contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 for each day upon which such contravention occurs or continues.

It goes on further to state other penalties that are there. When I look at that particular section 77 of the bill, it is compulsory arbitration when the government holds that type of fine over a person's head—when he is supposed to be sitting at the bargaining table and bargaining in good faith. I am talking about both parties—teachers and school boards.

I think many of the previous speakers have not looked closely at this particular section here tonight or on Friday. As a member of the union today, I would take a hard look at this. I don't think I'd want to go to the bargaining table with that clause in there because that makes it compulsory right off the bat with fines like that.

**Hon. Mr. Wells:** Compulsory for what?

**Mr. Haggerty:** Compulsory arbitration. They have no other choice but to follow every section of this bill. Oh, yes, the minister will see. He'll come to that confrontation before long. That is what's going to bring it about.

**Hon. Mr. Wells:** There is no compulsory arbitration.

**Mr. Haggerty:** There isn't? With a fine like that hanging over their heads? Certainly its compulsory. You do as you're told or suffer the consequences. That's what it indicates. Maybe what should be done in this particular instance is that the bill should be piloted through by the Minister of Labour (Mr. MacBeth) because what the Minister of Education has actually put the teachers' profession under is the Ontario Labour Relations Board.

All decisions, as I interpret the bill here, are going to be made by the Ontario Labour Relations Board. It says: "No prosecution for an offence under this Act shall be instituted except with the consent of the Ontario Labour Relations Board." I don't think we find a penalty of that magnitude in any labour legislation in the Province of Ontario. I'd like to bring this to the minister's attention. I think that this is one which I think, too, the teachers have overlooked.

I want to go back to the other section that I raised with the minister, section 1(1)(iii), I believe it is. That deals with extracurricular activities in the schools. As indicated here, if a person withdraws that service, it is classed as a strike, or could be included as a

strike. To my knowledge, it has always been a common practice that this was done on a voluntary basis by the teachers in the school system. If they want to withdraw that service, I still think it should be under those terms, that it was there on a voluntary basis in the beginning and should not be included as a strike at all. If the minister is going to stick to the strike, he should stick to the actual educational needs that are there under that contract but not under the voluntary basis.

The other part which I want to bring to the attention of the minister, and it has been brought forth by previous speakers, deals with section 64 in part VIII, strikes and lock-outs. It says: "A principal and a vice-principal shall be considered essential employees and shall not take part in a strike vote or strike."

I hope the minister brings in an amendment that would withdraw that particular section 64, subsections 1 and 2, and delete it from the bill. I think that the principals should be part of the teaching profession.

I recall a meeting not too long ago in the Port Colborne High School where they were discussing some of the problems of teachers. It was brought to my attention that many of the teachers, and even the principal today of that school, Mr. Wilson, had gone back teaching. It was indicated by other teachers that they thought the principalship perhaps should be a job of maybe two years and then it should be changed to let some other new teacher go into that position who, perhaps, would bring in some new ideas into the curriculum core which is going to be taught in that school.

I think by this particular section the minister is making it so that the principals cannot go back to the teaching profession. I think in this case, many of the principals should go back teaching. Under the present rules, they're out of touch with the teaching that is required in a classroom. I suggest to the minister that he delete these two clauses here.

If not, I can see that he is going to have further problems in the educational system because he leaves the principals and the vice-principals no alternative but to organize themselves. They'll be setting up a bargaining unit within themselves and eventually boards are going to have to meet with them sometime at the bargaining table. I suggest that this should be stopped now by deleting this particular clause and letting them be part of the teaching profession.

I don't think we need the principals any more in that category in the sense of saying they have to look after the administration of the schools. The minister is paying high-priced administrators now, particularly in the county boards of education, and they look after the administration. The funds were to be allocated for certain schools and should be spent. I think the principals should be relieved of that responsibility and stick more to the teaching required in their schools today. I hope the minister will listen to the other members who want this particular clause, section 64, deleted.

As I said before, I support the bill in principle. I think it's a working bill. It's something which I think a number of the teachers want. I think the school boards want it and I think the general public wants something. It does set out a bargaining process for the teaching profession in the Province of Ontario which it had never had before. Again, I question the heavy fines in there and I sincerely believe that under those conditions, it's compulsory arbitration in the final result of this bill.

**Mr. Speaker:** The member for Huron-Bruce.

**Mr. M. Gaunt (Huron-Bruce):** Mr. Speaker, I want to say a word on this particular bill. Like many other members I have been approached by teachers over the weekend in regard to Bill 100. I think it is fair to say, as has been repeated many times in the House during this debate, that generally speaking the feeling is that this is a very good bill for the most part. There are some things in it which irk teachers and with which they disagree strongly but generally speaking, I think it's fair to say there are many good aspects to the bill.

The teachers generally seem to feel that finally legislation has been introduced; a variety of routes to a contract settlement has been included and working conditions are officially recognized as negotiable items. In terms of the contents of the bill, I think there are a number of good aspects in the bill including the deadline for starting negotiations; the fact-finding procedures; the final offer selection; the Education Relations Commission; the good faith bargaining; and secret ballots prior to strikes. All of these things are commendable but in my discussions, and certainly this has come out in the debate, there are two very important items to which united disagreement pertains.

Those items have to do with excluding the principals from the collective bargaining unit

—that's section 64, I believe—and the matter of extracurricular activity being a contractual agreement. I think those two items have met with universal disagreement among the teachers throughout the province.

Frankly, I think section 64 is a very bad section and one which is hard to understand in the context of the minister saying the bill is to encourage harmonious relationships and good faith bargaining. I think when one excludes the principals and vice-principals from the bargaining unit, it does exactly the opposite. It creates confrontation; it drives a wedge between the principals and their teachers; and I think in the push and pull of that situation, the principals could be caught in an almost inhuman situation. They could find themselves without the support of their teachers in the bargaining unit.

**Mr. Speaker:** Does the member have further remarks to make? In which case, looking at the clock—

**Mr. Gaunt:** Yes, Mr. Speaker, I do have further remarks.

**Mr. Speaker:** In that case, would you move the adjournment of the debate?

**Hon. Mr. Wells:** Mr. Speaker, is there any indication roughly how many more speakers there are going to be on this bill?

**Mr. H. Worton (Wellington South):** We have pretty well gone the limit.

**Hon. Mr. Wells:** It is just that, as I think my friends realize, there are a lot of outside groups who are waiting to know when committee hearings are going to be held on this bill; in all fairness to them, they want to plan their schedules too, and I have been hoping that we would be able to get this bill into committee on Thursday.

**Mr. Gaunt:** May I say on that point, Mr. Speaker, that to my knowledge I am the last speaker in our party; I am not sure about the NDP, but I won't be more than another five or 10 minutes.

**Mr. Worton:** Until tomorrow.

**Mr. Foulds:** Mr. Speaker, I believe that if the bill is called first thing tomorrow there will be no problem whatsoever about getting it into committee on Thursday.

**Mr. Gaunt** moves the adjournment of the debate.

Motion agreed to.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): We will return to this debate tomorrow, to be followed by item No. 2, Bill 86, and then to be followed by item No. 7, Bill 77. However, in consideration of the scheduling of these bills and so on, I would also like the members of the Legislature to prepare for item No. 8, Bill 95; also item No. 9, Bill 96; also item No. 16,

Bill 105; and item Nos. 17 and 18, Bills 106 and 107.

I think that that will be enough for this evening, Mr. Speaker.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.

## CONTENTS

---

Monday, June 16, 1975

<b>School Boards and Teachers Collective Negotiations Act, Mr. Wells, on second reading</b>	3025
<b>Motion to adjourn, Mr. Winkler, agreed to .....</b>	3051













# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

**Tuesday, June 17, 1975**

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 17, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** The member for Huron.

**Mr. J. Riddell (Huron):** Thank you, Mr. Speaker. I am sure the members of the legislative assembly would like to join me in welcoming a group of grade 8 students from Osborne Central School, just on the outskirts of Exeter, under the supervision of Miss Hunkin and Mrs. Haugh.

**Mr. Speaker:** The member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I would like to ask the Legislature to welcome as well today 110 grade 8 students from the Maplewood Public School of Essex, directed by Mr. Feldman.

**Mr. Speaker:** Statements by the ministry.

## ACID SPILL AT PORT MAITLAND

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, at the request of the member for Haldimand-Norfolk (Mr. Allan) and others who have asked, I would like to make a statement on the spill in that area.

As you and the hon. members are aware there has been a spill involving a considerable amount of sulphuric acid at the International Mineral and Chemical Co.'s acid manufacturing plant at Port Maitland. I would like to give this Legislature a brief report on this situation as it stood about 30 minutes ago.

At 3:45 yesterday, the company notified my ministry's west central office at Stoney Creek of a rupture in a 2,000-ton storage tank containing sulphuric acid in 93 per cent pure concentration. Environment Ontario staff from our regional office in Hamilton went immediately to the plant to investigate the extent of the spill, to assess any environmental hazard and to give guidance in containment and cleanup measures.

According to the latest report from our field staff, more than 2,000 tons of acid escaped from two storage tanks, which works out to approximately 200,000 gallons. The cause of the initial rupture is still not definite. Most of this acid was contained by dikes. An area of land about 50 by 50 ft outside the

dikes has been affected by acid and some acid has passed from this area into the Grand River.

We have some indication of a minor fish kill but no indication that any portion of the acid has moved into the main current of the river to flow into the lake. As a safety precaution, one of the first steps my ministry's staff took was to test the water in Lake Erie to check the intake for the Dunnville water treatment plant. This is a ministry-operated plant which draws water from Lake Erie about 2½ miles west of the mouth of the Grand River. This water is being tested regularly and it is neutral and unaffected by the acid.

Lime and limestone were trucked in all night to neutralize the acid along the banks of the river and by 1 p.m. today 105 tons of neutralizing materials had been used. This work is continuing.

I am told the scene of the spill is spectacular with one tank twisted and flattened, others dented, blackened vegetation and bubbling pools of acid on the ground. The roadbed of an industrial siding has been eaten away and some rail cars are canted.

Most of the spilled acid has been confined to company property and there is no indication so far of significant environmental damage or threat to health or safety.

Our staff are on the Grand River in a boat testing water to determine the amount of acid in the river and the area of water affected. So far the tests indicate the water is normal but the tests are continuing and will continue. The neutralization work is continuing, and some steps are being taken to remove an acid foam on the river surface near the plant. This foam is the result of the reaction of acid with soil and vegetation and with the neutralizing chemicals.

The Ministry of the Environment will be conducting its normal investigation into the cause and results of this spill and will work with the company on ways to prevent future accidental discharges from this plant. Obviously this is imperative and my ministry will take whatever steps are required to prevent an accident of this nature from occurring again.



**Mr. Speaker:** Oral questions.

The hon. Leader of the Opposition.

### PREVENTION OF ACID SPILLS

**Mr. R. F. Nixon** (Leader of the Opposition): I would like to ask a question of the Minister of the Environment. What about his inspection procedures, since this spill of 2,500 tons of acid that he has just been talking about was preceded two years ago by another spill of 800 tons from the same source, International Mineral and Chemical Co.? What are the procedures for inspection, because this is a very serious matter? Surely, we in this House have a responsibility for the inspection through the ministry? Can he give us a report on that?

**Hon. W. Newman:** Mr. Speaker, as a result of the spill some three years ago—it is the same company, but it is now under different ownership—the berms were built to contain an acid spill. The berms were big enough to contain one tank, but there was more than one tank affected. Most of the acid was contained, and most of it was neutralized. I can't tell you the exact gallonage that got into the river. So far, with the tests we are taking, the pH is showing fairly normal. But the berms were built as a result of what happened three years ago.

**Mr. R. F. Nixon:** Supplementary. Since there was no evidence that there was an injury to the tanks, they could not have come up to the specifications that, surely, the ministry puts forward for the containment of acid in such quantities and in such concentration. Is there some thought that a prosecution might be undertaken, since this is the second major spill?

**Hon. W. Newman:** Mr. Speaker, this tank apparently collapsed in instead of out. I can't really say what will happen until I get a full report back on the matter.

**Mr. Speaker:** The member for Scarborough West with a supplementary.

**Mr. S. Lewis** (Scarborough West): Yes, since the ministry is responsible for the inspection of the tanks, can the minister give us a report in the Legislature—I guess Thursday now—of what exactly the last inspection showed, when it was taken, and whether there was any indication on the part of the inspectorate that there was some pressure on one of the tanks which might have caused it to collapse? I guess what I am asking is: How is it, given the previous spill, that in a period

of just three years, the structural condition should have deteriorated so badly that the spill is repeated, when the warning was so clear? Could the minister give us a report on his inspectors' work?

**Hon. W. Newman:** Mr. Speaker, I will take this up in conjunction with our Minister of Consumer and Commercial Relations (Mr. Handleman), since I think his ministry has something to do with tank testing. I am not exactly sure; but I will work with him and report back to the House.

**Mr. Lewis:** Tank testing?

**Hon. W. Newman:** Yes.

**Mr. Speaker:** The member for Waterloo North.

**Mr. E. R. Good** (Waterloo North): Supplementary: In view of the fact that the minister said they would do all in their power to prevent spills of this nature, is he going to demand that barriers be built around these storage tanks so there will be no possibility of the pollutant getting into the Grand River again?

**Hon. W. Newman:** Mr. Speaker, as I have said, berms have already been built as a safety precaution. I am now talking about containment walls around the tanks in case of an accidental spill.

**Mr. R. F. Nixon:** But there were precautions taken, and they still lost the acid.

**Hon. W. Newman:** They only lost a very small portion of the acid. There were 105 tons of neutralizing agent put in, and most of the acid was contained and neutralized.

**Mr. Lewis:** That is a lot of neutralizer on a small spill.

**Hon. W. Newman:** We are testing in the river right now. We have people down there right now. To the best of our knowledge, the water is showing a neutral reaction on the testing we have done to this point.

**Mr. J. E. Bullbrook** (Sarnia): Further supplementary: From the knowledge of my own riding, isn't it a normal requirement for safety purposes and the protection of the environment, that when berms are required they have sufficient capacity to hold any spills?

**Hon. W. Newman:** Yes.

**Mr. Bullbrook:** All right, why didn't they hold it in this case then?

**Hon. W. Newman:** Mr. Speaker, as I have said, the berms were built, as far as I know, to contain the contents of one tank. When the one tank collapsed, it moved into another tank—and there was some spillage there. I don't have all the details right now. I just had a report.

**Mr. Bullbrook:** By way of a general supplementary question then: Is it not a normal requirement in connection with the storage of gas, fuel oil and matters of that nature in my riding—and concurrently with the storage of acid in this other area—that the berms have sufficient capacity to hold any overflow or any loosening of the material by accident or otherwise?

**Hon. W. Newman:** Mr. Speaker, as far as I am aware, the berms were meant to hold it. Quite obviously there was some spillover and we don't know exactly how much but from the testing we have done today we don't think there was very much spillover. We are out there testing it this afternoon.

**Mr. Speaker:** Does the member for Scarborough West have a further supplementary?

**Mr. Lewis:** I didn't understand the minister's reference to the Minister of Consumer and Commercial Relations. Surely it is up to this ministry to ensure that what occurred before would not occur again, and he is therefore tied into the inspection. Somewhere the inspection process must have been negligent. Can he identify that for us?

**Hon. W. Newman:** Mr. Speaker, as I have said, I don't know what was the actual cause at this point in time. Certainly I said I would be looking into it and making a full report. Our people are right over on the job now working with the company to make sure that the acid gets fully neutralized, and that's what we are doing at the present time.

**Mr. Speaker:** Any further questions from the Leader of the Opposition?

**Mr. R. F. Nixon:** I would like to ask the Minister of Consumer and Commercial Relations, is he the official tank tester?

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Mr. Speaker, we have responsibility for energy safety and it may very well be that it is our responsibility to inspect the tanks. I have received no communication at all on this this morning. I read about it in the paper.

**Mr. T. P. Reid** (Rainy River): Who is minding the store?

**Mr. Ruston:** Why not co-ordinate inspections?

**Hon. Mr. Handleman:** I will have inquiries made as to whether or not any inspection of the tanks comes within our jurisdiction. We do inspect service stations.

**Mr. Speaker:** Any further questions?

**Mr. R. F. Nixon:** Is that the Minister of Energy? By George, it is.

**Mr. Lewis:** He is confused by the minister's presence.

## IMMIGRATION COUNSELLING

**Mr. R. F. Nixon:** Yes, by St. Dennis. We will speak to him in a moment.

I would like to ask the Attorney General if he saw the account in the Toronto Star a couple of days ago which indicated there was some kind of a racket in immigration counselling going on at the Toronto International Airport and perhaps elsewhere? Is he aware that there are those apparently preying or trying to make a profit on the ignorance and perhaps strangeness of immigrants, and is he concerned that his responsibility should be brought to bear to clean that matter up?

**Hon. J. T. Clement** (Provincial Secretary for Justice): I did not see the particular article the member refers to but I am aware in past matters that there have been complaints that people have held themselves out as immigration consultants and have inferred they had some kind of a connection with those who make the immigration laws of this country. When things like that come to our attention, they are prosecuted if a fraud has indeed been practised.

I should stress that there are people—and I can think of some in my own riding—who do hold themselves out as immigration consultants and do give immigration advice for that particular type of matter. Invariably they have had some experience by having been connected with a federal department in one capacity or another in years gone by. I am not aware of the particular article to which the member refers right now.

**Mr. R. F. Nixon:** A supplementary: I have sent the article over to him for his information. If there is substantial indication that people without any grounds of professional background or ability to provide realistic assistance are preying on these people who

might like to become immigrants and are assisting them in appeal procedures when they are not in a position to provide assistance, would the Attorney General not think it his responsibility to do something about this as the enforcement officer?

**Hon. Mr. Clement:** Certainly, it is our responsibility. They would be charged with fraud.

**Mr. R. F. Nixon:** Will the minister undertake to look into it?

**Hon. Mr. Clement:** I don't know anything specifically about this.

### ENERGY PRICES

**Mr. R. F. Nixon:** I would like to put a question to the Minister of Energy. Can he now report on the communications between the Premier (Mr. Davis) and the Prime Minister having to do with increases in energy costs which have been discussed in this Legislature over the past three sitting days?

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, to this point in time the Prime Minister has not yet returned the Premier's call.

**Mr. R. F. Nixon:** A supplementary, back to that point: I don't want to belabour it but when the Minister of Energy first indicated that Ontario was going to seek further information, are we to understand the Premier phoned the Prime Minister and somebody up there said, "Mr. Trudeau will call back" but he hasn't called back? Should the inquiry not be initiated here? Why wasn't it initiated here?

**Hon. Mr. Timbrell:** Mr. Speaker, it was very much initiated here. The consultation which had been promised has not gone on. The Premier phoned the Prime Minister and spoke to him on the Friday, having asked for a meeting several days before that and having only received an acknowledgement from an assistant in the Prime Minister's office. The Prime Minister, I am told, promised to phone the Premier back yesterday, and of course we know that the Minister of Energy, Mines and Resources is in Japan. As I say, to this point in time, to the best of my knowledge, the Prime Minister has not phoned back as promised.

**Mr. R. F. Nixon:** Supplementary: Is it the Minister of Energy, Mines and Resources the minister is waiting to hear from? I thought this was a communication between the heads

of government. What is the significance of the location of the Minister of Energy, Mines and Resources? I thought it was the Prime Minister and the Premier. Where is the Premier? Is he now waiting by the phone?

**Mr. R. S. Smith (Nipissing):** He hasn't been here for almost a week.

**Mr. A. J. Roy (Ottawa East):** Shining his medals.

**Mr. Ruston:** Can't find him.

**Mr. Speaker:** Order, please. Order.

**Hon. Mr. Timbrell:** Mr. Speaker, what I was pointing out, and I indicated this last week, was that the federal Minister of Energy, Mines and Resources and I have been trying to establish a date for a meeting, and that there was no mention at all to us that in fact he was going to Japan and that this was an impediment to a meeting.

In addition, the Premier, by way of a Telex several days before the statement that came out of Ottawa Thursday night, had asked the Prime Minister for a meeting. That Telex had only been acknowledged by an assistant in the Prime Minister's office, not by the Prime Minister.

The Premier phoned the Prime Minister and spoke with him on Friday. The Prime Minister indicated that he would get back to the Premier on Monday, yesterday, and to this point he has not.

**An hon. member:** Found another picnic.

**Mr. Speaker:** The hon. member for Scarborough West. A supplementary.

**Mr. Lewis:** Supplementary, if I may: Now that the Prime Minister of Canada has also indicated that negotiations may not work and probably won't work, and that if the price is set it will be set under legislative authority in the House of Commons, when is the government of Ontario going to make a statement on how it will cushion the blow for Ontario, should the increase occur, as is now likely? That's one supplementary.

A very quick second supplementary: Has the minister any idea of the existing inventory which the oil companies already have in the system in Ontario, so that we can have an idea of when the increase should actually take effect to avoid excessive and illegitimate profits?

**Hon. Mr. Timbrell:** Mr. Speaker, to answer the second part first, I don't have the figures here with me, but they can be made available fairly quickly.



To answer the first part, frankly I don't accept, as I think the hon. leader of the NDP does, that this is a fait accompli. I don't know that the Prime Minister has indicated absolutely—

**Mr. Speaker:** Order, please. There is too much background conversation; it's difficult to hear.

**Mr. Bullbrook:** The member for Lambton (Mr. Henderson) should have his meeting outside.

**Mr. Ruston:** He should sit down.

**Mr. Bullbrook:** Will the member wake up? We can't hear. Let him have his meeting outside.

**Mr. Speaker:** Order, please. That's not helping matters. The hon. Minister of Energy.

**Hon. Mr. Timbrell:** Mr. Speaker, in short, what I'm saying is we have not accepted this as a fait accompli. We believe our position is still a very valid one, in point of fact. If anything, the release on the weekend of the figures relating to the GNP only strengthens our argument, and we will continue to pursue it with the federal government.

**Mr. Speaker:** The member for Sarnia.

**Mr. Bullbrook:** By way of supplementary, premising that the Minister of Energy has the right to make telephone calls also, could he advise whether he or the Premier has communicated with the heads of government or the Ministers of Energy of the producing provinces to bring to their attention the Ontario government's view as to the economic effect of any increase in prices at this time?

**Hon. Mr. Timbrell:** Mr. Speaker, two weeks ago last Thursday I was in Edmonton and addressed the Canadian Propane Gas Association, following which I met with the Minister of Energy and Natural Resources of the Province of Alberta, and made our view very clear to him.

**Mr. Bullbrook:** What did the minister say at that time, without specific detail? Are we to understand that he told him at that time that it would not be in the best interests of the people of Canada, and especially the people of the Province of Ontario, for them to insist upon the federal government raising the base cost?

**Hon. Mr. Timbrell:** Mr. Speaker, I think if the hon. member would care to look at the record of the first ministers' conference on April 9 and 10—

**Mr. Bullbrook:** I am not talking about that.

**Hon. Mr. Timbrell:**—in point of fact, the main arguments put forward for increases in costs were put forward by the Prime Minister of Canada, not by the Province of Alberta.

**Mr. Speaker:** Further questions?

**Mr. Bullbrook:** By way of one final supplementary—and I'd like to have an unequivocal response, because some of us here wonder who is responsible for energy policy in this province—did the Minister of Energy bring to the attention of his corresponding ministry in Alberta that it would not be in the best interests of Canada and the people of the Province of Ontario to insist upon an increase in the base cost at this time? Did he do that?

**Hon. Mr. Timbrell:** I made it very clear, Mr. Speaker, to the Hon. Donald Getty, the Minister of Energy and Natural Resources of the Province of Alberta, that we could not support the moves by anyone—that province or the government of Canada—to increase costs at this time.

**Mr. Speaker:** Further questions from the Leader of the Opposition?

**Mr. R. F. Nixon:** I would like to ask the minister a further question. If a submission is being made to the Ontario Energy Board regarding the application from Ontario Hydro to raise the rates by—what is it?—29.4 per cent, on behalf of the consumers, does the minister feel he has a responsibility to utilize the facilities of the Ontario Energy Board to put the case against an increase—or is he, in fact, supporting the submission?

**Hon. Mr. Timbrell:** Mr. Speaker, the Energy Board is a division, if you will, of the ministry which I head, Counsel for the Energy Board, retained by the board with my approval, are there to question and to challenge all of Ontario Hydro's figures.

**Mr. R. F. Nixon:** A supplementary: Is it going to be Mr. Macaulay's position there to be—

**Hon. Mr. Timbrell:** On a point of order, Mr. Speaker, it isn't Mr. Macaulay.

**Mr. Roy:** Who is it?

**Mr. R. F. Nixon:**—well, whoever we have retained at this time to take the stand that Mr. Macaulay took when the Energy Board and other agencies were looking at the total programme—the planned expansion of On-

tario Hydro for the next eight years—to put forward a strong position opposing government policy? Is there instruction given to counsel along those lines?

**Hon. Mr. Timbrell:** Mr. Speaker, I'm afraid that the hon. Leader of the Opposition is confusing several hearings. There was a hearing in the fall of 1973, or early 1974, on the system expansion. This was followed in the spring of 1974 and the summer with the first of the OMB hearings on the rates. I'm afraid the member is confusing the two hearings.

**Mr. R. F. Nixon:** No, I'm not. Mr. Macaulay was acting on both those hearings.

**Hon. Mr. Timbrell:** Certainly, I would expect that counsel to the board, Mr. Rogers, will challenge any and all of the figures from Ontario Hydro, including their projections for growth in the system.

**Mr. R. F. Nixon:** A further supplementary: Has Mr. Rogers been instructed to prepare a case setting out the alternatives to the 29 per cent increase?

**Hon. Mr. Timbrell:** Mr. Speaker, again, if the member will look at the transcript, the record of the 1974 hearings, he will find that the counsel at that time, and I expect the counsel for 1975 to do the same, did challenge Hydro, did question it on alternatives for various other possible increases.

**Mr. Bullbrook:** Has he been instructed?

**Mr. R. F. Nixon:** Has he been instructed?

**Mr. Reid:** Has the minister told him to?

**Hon. Mr. Timbrell:** And he has, in fact, been instructed to challenge, to represent the OEB and the government.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** I take it, by way of supplementary that yet again, other than a scrupulous challenge of Hydro's rationale, no lawyer acting at the board independently for the government will challenge Hydro on its existing growth rate. That is not the minister's proposition, that they should say that Hydro's existing growth rate is wrong.

**Hon. Mr. Timbrell:** Mr. Speaker, here again, in 1974 this was up for discussion, and it's going to be discussed again this year. But in 1974, on a point of fact, the OEB in its report commended Hydro for its seven per cent load growth projection.

**Mr. Lewis:** Based on its growth rate projection.

**Hon. Mr. Timbrell:** The board commended Hydro for the way it was calculated and commended it to the government as a—I've used the words before; I'm not sure they're the board's words—a prudent standard standby.

I have said that I anticipated both the counsel retained by the Energy Board and counsel retained by such groups as the Consumers' Association of Canada, the Ontario Municipal Electric Association, the Association of Major Power Users of Ontario, and various other groups, will challenge these, and other points, in Hydro's arguments.

**Mr. Lewis:** Pollution Probe?

**Mr. Reid:** What if they don't?

**Mr. V. M. Singer (Downsview):** A supplementary, Mr. Speaker: Could the minister tell us specifically, not presumably, what his instructions were to Mr. Rogers, and tell us which Mr. Rogers he is talking about? Specifically, what did the minister retain Mr. Rogers to do—to oppose, or to be there and inquire as he saw fit? There is quite a difference.

**Hon. Mr. Timbrell:** Mr. Speaker, I will have to dig out the specific terms. He was retained by Mr. Jackson, the chairman of the board, with my approval. His function is to bring out all of the facts surrounding the case and to question all of the basic points in the case.

**Mr. Singer:** Which Mr. Rogers is it, and will the minister look at the specific form of the retainer and read it to us?

**Hon. Mr. Timbrell:** I will be glad to pass that information on to the member, Mr. Speaker.

**Mr. Singer:** Which Mr. Rogers is it?

**Hon. Mr. Timbrell:** Oh, Don Rogers.

**Mr. Lewis:** I take it that what has happened is that Mr. Rogers is there, as Mr. Macaulay was before him, to challenge the mathematical calculations, but not the basic rationale of Ontario Hydro's position?

**Hon. Mr. Timbrell:** Mr. Speaker, as the hon. member for Scarborough West should know, the hearings were adjourned last week until today because of some revised figures submitted by Hydro and it will be the responsibility of Mr. Rogers. It will be the function of every other intervener, or the



representatives of every other intervener, to question the premises for this and to put forward their alternatives.

**Mr. Lewis:** By way of supplementary: Has Mr. Rogers ever had extensive legal work in, and knowledge of, the field of hydro-electric power? Is this his particular area of expertise, this gentleman Rogers?

**Hon. Mr. Timbrell:** Yes, Mr. Rogers does have a background in this kind of work.

**Mr. Lewis:** What does that mean?

**Mr. Speaker:** Further questions? The Leader of the Opposition.

**Mr. Lewis:** Was he ever associated with Macaulay, for example?

**Mr. Singer:** Is that William Rogers?

**Mr. Speaker:** Order, please. The Leader of the Opposition.

#### PICKERING GENERATING STATION

**Mr. R. F. Nixon:** I'd like to ask the same minister if he recalls my asking him last Friday if he had any information pertaining to 23 leakage incidents at Pickering, to which he said "No." Yet we were informed that the reactor was shut down because of 23 leakage incidents.

**Hon. Mr. Timbrell:** I think what the hon. member is referring to, Mr. Speaker, is a report which I understand was on television last night about a conference of nuclear scientists going on in Ottawa at this time. The report, which was perhaps a little distorted on television but was properly reported in the Globe and Mail this morning, dealt with the problem in the unit at Pickering last August and the number of the tubes in the reactor. There have not been leakages and since the question we have checked with Ontario Hydro again and confirmed it. We have checked with the Atomic Energy Control Board and confirmed it—by the way, the AECB has staff on the site at all times—and no one has ever heard of such a report. No one can confirm the allegation made by the Leader of the Opposition.

I think the problem is the number of tubes. There are 360 tubes—or some number like that—in the reactor and something like 20 or 23 of the tubes were found to be deficient and were replaced.

**Mr. R. F. Nixon:** I would like to ask if the reactor is working at full power at the present time.

**Hon. Mr. Timbrell:** At the present time I don't know. I would assume that No. 4—I get the numbers mixed up; it's No. 3 or No. 4—the one which was out last summer, is back up to full delivery for all intents and purposes, I believe.

**Mr. Speaker:** The member for Scarborough West.

#### FEES OF BURLINGTON DOCTORS' GROUP

**Mr. Lewis:** A question of the Minister of Health. Is the Minister of Health aware of a number of Burlington doctors who have sent letters to their patients indicating that because of accelerating costs they are raising their fee schedules significantly above the OMA fee schedule and they insist the patient pay the full cost and seek reimbursement for, therefore, a much lesser percentage from OHIP?

**Hon. F. S. Miller:** (Minister of Health): Mr. Speaker, I'm not particularly aware of the Burlington situation. I'm aware that any doctor may opt out and may charge any rate he or she wishes to charge. The patient is then obligated to pay the difference if that patient wishes to use that doctor.

**Mr. Lewis:** By way of supplementary: Since the differences are really quite amazing—a general assessment from \$6 on the OMA schedule to \$25; a consultation from \$20 to \$40; a repeat consultation from \$15 to 40; any telephone call from \$1 to \$4; minor assessments from \$12 to \$20—since it involves, I gather, a number of doctors not just one, can the minister summon those practitioners to his office and, to maintain the basic integrity of the plan, discuss with them the value of periodic increases in the fee schedule negotiated with government rather than this kind of unilateral action which does do awful damage to the patients involved who cannot move easily from doctor to doctor?

**Hon. Mr. Miller:** Mr. Speaker, when we were faced with the possibility of an excessive demand this year, I implied that I'd be unhappy if doctors opted out totally. I feel the freedom of choice needs to be there. I don't know yet what freedom of choice exists in that area and before jumping to a conclusion I'd like to look into it.

**Mr. Speaker:** A supplementary, the member for Ottawa East.

**Mr. Roy:** Recognizing the freedom of choice and the freedom to opt out of the plan, why



wouldn't the minister accept legislation I proposed, prohibiting these doctors from opting out and charging the difference to people who are on welfare, on social assistance, senior citizens and so on. Does the minister not feel that by charging these people extra over and above the fee schedule of OHIP, the doctors are destroying the universality of the plan?

**Hon. Mr. Miller:** No, I don't, Mr. Speaker. I guess the difference between the member and me is he would force people to do things and I think people should have free choice.

**Mr. Roy:** No. I said they shouldn't opt out. I said to some people it would be prohibitive—

**Hon. Mr. Miller:** That is not the way I read it.

Interjections by hon. members.

**Hon. Mr. Miller:** The fact remains that for years, doctors, when treating patients who couldn't pay a difference, often forgave those fees long before insurance was involved.

**Mr. Roy:** Do they do it now?

**Hon. Mr. Miller:** I think the member will find that in the city of Toronto where we have opt-out physicians, by agreement or understanding, they often do not charge the patient the difference.

**Mr. Speaker:** Any further questions?

**Mr. M. Shulman (High Park):** A supplementary.

**Mr. Speaker:** The member for High Park, a supplementary.

**Mr. Shulman:** Can the minister tell the House how much it costs his department for each doctor who opts out? What is the additional cost of all the cheques and so forth that the ministry sends out?

**Hon. Mr. Miller:** I don't know, Mr. Speaker. It wouldn't be an awful lot. My staff certainly prefer to send one cheque per month to a physician rather than five million cheques per month, because that's the number of claims we have per month right now. It's maybe half a million cheques versus five million that we are talking about. The accounting procedures would be complicated but the computer capability is there. Strangely enough, I have never thought about opting out on a selective basis as a bad thing. In fact, I think it can be a very good thing.

**Mr. Lewis:** Not if it prejudices medical care in the community.

**Hon. Mr. Miller:** Yes, if there is prejudice—

**Mr. Singer:** Supplementary, Mr. Speaker.

**Hon. Mr. Miller:** May I finish please? Not unless it means that it's a closed shop. Under those conditions, I am very concerned about physicians opting out.

**Mr. Speaker:** The member for Downsview, a supplementary.

**Mr. Singer:** Could the minister explain a little more about this freedom of choice? In some hospitals where only one anaesthetist or group of anaesthetists is allowed to operate, when they arrive moments before the patient is about to have the operation and say: "Sign here, which will acknowledge that you are to be charged and will pay whatever we decide over and above the tariff"; how does the freedom of choice come about?

**Mr. R. F. Nixon:** And there is not an anaesthetist accredited to the hospital who will take a lower fee.

**Mr. Bullbrook:** The member for Downsview decided not to take the anaesthetic too.

**Hon. Mr. Miller:** I was wondering if he was speaking from experience.

Interjections by hon. members.

**Hon. Mr. Miller:** He was missing for quite a while not long ago.

**An hon. member:** He's always under an anaesthetic.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** Didn't the member sign the document?

**Hon. Mr. Miller:** His definition of anaesthetic and mine may differ from time to time. However, I admit that when a patient is being attended to by a specialist who is working in co-operation with either a surgeon or some other specialist the freedom of choice may at times be academic.

**Mr. Singer:** Yes.

**Mr. Speaker:** Any further questions? The hon. member for Scarborough West.

#### AMBULANCE SERVICES

**Mr. Lewis:** I have a question also of the Minister of Health. How does he intend to

handle the very considerable discontent in the ambulance service section of the ministry in the amalgamation with Metro that is proceeding, particularly in terms of the unilateral decisions about seniority? Does he not think his own employees or his present employees should have greater protection than has been provided them?

**Hon. Mr. Miller:** Mr. Speaker, if I recall the terms of the agreement, the seniority given to the employees goes back to the point where government became their employer.

**Mr. Lewis:** That's right, Jan. 1, 1973.

**Hon. Mr. Miller:** I have a relatively open mind in these things. I would be glad to look at the problems. We are trying to make it easier, not more difficult. However, I think the question of who will represent them and what their status will be in the future has to be argued by those people more used to the process than myself. I'd be glad to listen to them.

**Mr. Lewis:** By way of supplementary, since in fact our employees were not consulted in advance but were presented with the terms of an agreement which they subsequently commented on and since they lose their present union—which is fine, as that is also part of the freedom of choice—but they can move, the question is could the minister take another look at the seniority clause which is the one thing that seems to be concerning them more than any other since several years work in the private sector can be lost to them?

**Hon. Mr. Miller:** I will be glad to, Mr. Speaker, but I should point out many of them became provincial employees almost by default. I believe they became ruled as civil servants at one point.

**Mr. Lewis:** The government is always doing that to people. It's called freedom of choice in your terms.

**Mr. Speaker:** Any further questions?

#### JAILING OF 16-YEAR-OLD GIRL

**Mr. Lewis:** May I ask the Attorney General if he has any further comments to make on the case of the 16-year-old girl in the Don Jail? I would be interested to know whether he has looked at it further.

**Hon. Mr. Clement:** Yes, Mr. Speaker. I have since yesterday been advised that the matter involving the young lady came about

last summer. I believe she was charged with theft and possession of goods knowing them to have been stolen. She was charged along with a 20-year-old female person and appeared, I think, on two occasions. She was out on bail and appeared on two occasions on which adjournments were granted. On the third occasion, the other accused appeared and Miss Young did not appear. Subsequently, a warrant was issued for her failure to appear. The other young lady was subsequently convicted and I don't know the disposition of that matter.

The police then did, in due course, receive the bench warrant and were instructed to act on it. They went to the address which was known to them as being her place of residence, namely, her parents' home—she was not living with her parents—received information to the effect that she was living with her co-accused, this 20-year-old female person. The officers went there and were unable to locate her there. They were unable to locate this young woman for a period of months.

I should point out this was not the subject of any wide manhunt or anything, but it is routinely followed up on a four or six-week basis by an officer who goes around to try to apprehend this type of offender. Meanwhile, each police station is given a list of this type of offender and is notified when the offender surrenders or is picked up. When she appeared at the police station late last Friday evening in connection with the most recent matter, the list was routinely checked, her name was observed, and then this brought about the whole series of events that we discussed here yesterday.

**Mr. Singer:** Supplementary.

**Mr. Lewis:** Go ahead. I will come in after.

**Mr. Singer:** Doesn't it strike the Attorney General as being more than a little unusual that, even though the computer churns and turns up the fact there is an outstanding warrant against this 16-year-old girl, suddenly, she having appeared there voluntarily, apparently to complain about her stolen 10-speed bicycle, off she trots to the cell? Doesn't he think that is unjust, unfair and inequitable, and that if there was any real urgency in executing the—

**Mr. Lewis:** It's wrong.

**Mr. Singer:** —and immoral, yes.

**Mr. Lewis:** No, not immoral; just wrong.

**Mr. Singer:** —all right—if there was any real urgency in executing that warrant, they

could have sent out one of the minions of the law to execute it?

**Hon. Mr. Clement:** As I pointed out, Mr. Speaker, these matters are routinely followed up by an officer or officers who have this responsibility. They routinely check when people come in to see if in fact a warrant is outstanding against them. Having made that search and finding that, indeed, a warrant is outstanding against this young woman, what can they do then but take her into custody? That's the whole purpose of issuing the warrant. Had they not taken her into custody on that occasion but let her walk out, then they would, in my opinion, be in breach of their responsibility. They must take her into custody; they have a warrant for her.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Was June Callwood correct on the CBC morning show this morning when she said that this young girl, when she was brought in, was routinely stripped, subjected to intimate examination and deloused etc., and incarcerated after that? Was that part of the process that occurred at midnight or 1 o'clock in the morning on Saturday? And if it was, doesn't it go quite far to begin to explain the obvious anxiety and fear which she would have experienced, the events being so abrupt in the process; and doesn't it also go a long way to raise in the ministry's minds the police behaviour in the whole fracas?

**Hon. Mr. Clement:** Mr. Speaker, I don't know of the subjective nature of this particular matter. I do know that when people are taken into custody, they are in fact searched very, very carefully for a series of reasons; sometimes their own safety and to see if they are secreting anything on their person. If the member has not been taken into custody, I would suggest that he not wear laces in his shoes, because he will lose those and he will lose his belt. These things are done quite routinely. Now, if she was being held overnight—

**Mr. Lewis:** There are other ways of committing suicide when they lock up a 16-year-old that way.

**Hon. Mr. Clement:** Whether she was subjected to a delousing procedure, I just don't know that. I can find out, but I don't know if that is the procedure. In my home town, when one is taken into custody he is locked up, his belt is taken, his tie is taken, his shoelaces are taken, his money is taken and

these are all kept together. Any razor blades, any narcotics, anything of that nature of course are removed; and if its possession is contrary to a section of the law, then he soon would be charged. Those things are taken because they are processing a large number of people.

**Mr. Lewis:** In the Niagara region the police do that without having people in jail, I remind the minister.

**Hon. Mr. Clement:** Not now they don't.

**Mr. Lewis:** Oh.

**Mr. Speaker:** Does the hon. member have any further questions?

**Mr. Lewis:** No, Mr. Speaker.

**Mr. Speaker:** The member for Carleton East first.

#### CANCER TREATMENT AT OTTAWA HOSPITAL

**Mr. P. Taylor (Carleton East):** Thank you, Mr. Speaker. A question of the Minister of Health. Last week I asked the minister if he would look into—and he undertook to look into—a situation in Ottawa in which the Civic Hospital is reported to be using breast cancer radio-therapy equipment which the Mayo Clinic described as Model T therapy which should not be used on anyone and which was outdated 15 years ago. Can the minister now report that this hospital is underequipped and could he also say what he is going to do to try to rectify the situation?

**Hon. Mr. Miller:** No, Mr. Speaker, I can't.

**Mr. P. Taylor:** A supplementary. Would the minister say when he will make such a report?

**Hon. Mr. Miller:** As soon as I can, Mr. Speaker.

**Mr. P. Taylor:** A quick and final supplementary, Mr. Speaker.

Does the minister's response of last week and the fact he does not have an answer this week indicate that he believes the large-scale public interest in breast cancer clinical testing is going to drop off in a matter of time and for that reason the facilities are not needed in Ottawa?

**Hon. Mr. Miller:** By no means, there should be no implication to that effect. It simply means I haven't got an answer.



**Mr. Speaker:** The member for Windsor West.

#### WINDSOR HOSPITAL REORGANIZATION

**Mr. E. J. Bounsall** (Windsor West): A question of the Minister of Health, **Mr. Speaker**, with respect to the Windsor hospital reorganization. Is the minister aware that the Essex County Hospital Planning Council has recommended that a consultant be appointed to study the situation for that council, to last no more than four months, and that study, in the light of \$4 million hopefully to be saved, would cost only \$50,000? Would the minister be agreeable to that particular proposal as one of the means—perhaps the means—of solving that reorganization problem?

**Hon. Mr. Miller:** **Mr. Speaker**, that may well be a worthy way of resolving a tough local issue. I believe on Thursday morning the member and the other three members from the Windsor area are meeting with some of my staff to look into some of the facts and figures he queried me about during the estimates the other day. I will be pleased, without jumping to the conclusion we should hire this consultant, to give it consideration. The number of dollars would be roughly one per cent, if I have done my arithmetic right, of the annual savings and if we can get a local agreement for one per cent of the annual savings I'd sure spend the money.

**Mr. Speaker:** The Minister of Natural Resources has the answer to a question.

#### GRAVEL LICENCE APPLICATION

**Hon. L. Bernier** (Minister of Natural Resources): **Mr. Speaker**, the member for Scarborough West asked me what the decision had been on an application by Sam Manetta for a licence to operate a pit in the Pontypool area.

The answer is that on May 22, 1974, **Mr. Manetta** of Pontypool applied for a licence to operate a gravel pit on lots 12 and 13, concession 2, in the township of Manvers. A number of persons objected to the issuance of a licence and the application was referred to the Ontario Municipal Board. The board conducted a hearing in Bethany on Feb. 10, 1975, and on March 26 the board handed down its report recommending that a licence not be issued because the Hall Rd. is not structurally capable of withstanding any further heavy traffic. As a result, **Mr. Speaker**,

**Mr. Manetta** was notified that the issuing of a licence for the proposed pit is against the interests of the public at this time.

**Mr. Speaker:** The member for Kent.

#### PURCHASE OF RAILWAY LAND IN ERIEAU

**Mr. J. P. Spence** (Kent): **Mr. Speaker**, I have a question for the Minister of Natural Resources.

Is it true that a private developer has purchased the property of the Chesapeake and Ohio Railway in the village of Erieau, which is of tremendous concern to those businesses and the homeowners who have their homes built on this property? **Mr. Speaker**, is the minister in the process of expropriating this property? Could the minister inform me how far it's gone?

**Hon. Mr. Bernier:** **Mr. Speaker**, I am not aware of the situation to which the member refers but I'll certainly check into it and report back to him directly.

**Mr. Spence:** Is the minister in the process of expropriating this property?

**Hon. Mr. Bernier:** **Mr. Speaker**, I don't think we have started any expropriation procedures. I think I indicated to the staff that we would like to go the voluntary route and would hope we could negotiate a proposition. Where that stands at the present time I am not aware, but I'll make myself familiar and inform the member.

**Mr. Speaker:** The member for Sudbury.

#### SUDBURY HOUSING VACANCIES

**Mr. M. C. Germa** (Sudbury): **Mr. Speaker**, a question of the Minister of Housing. Is the minister aware that the vacancy rate in the city of Sudbury has dropped from 9.2 per cent in June, 1974, to 2.5 per cent in April, 1975. What is the minister going to do to alleviate the problem caused by this tremendous fluctuation in housing vacancy in northern Ontario?

**Hon. D. R. Irvine** (Minister of Housing): **Mr. Speaker**, I am aware that the rate of vacancy has dropped in the last year, but I am not absolutely sure it is 2.5 per cent; it may be, but I would like to check that particular figure. It seems to me it was higher the last time I saw the figures released.

In any event, we have certain developments for housing in the regional municipal-

ity of Sudbury, and certainly we have plans to develop housing according to the needs of the people in that area.

**Mr. Laughren** (Nickel Belt): See the Vaniers if any land is needed.

**Mr. Speaker:** The member for Renfrew South.

#### GRANTING OF BAIL

**Mr. P. J. Yakabuski** (Renfrew South): Mr. Speaker, I have a question of the Attorney General. Will the Attorney General be releasing to his counterpart in Ottawa the message so ably delivered by the cabbies yesterday with regard to the bail reform Act?

**Hon. Mr. Clement:** I undertook to do that, Mr. Speaker. I obtained the names of the representatives of the taxi industry with whom I met yesterday afternoon and the names of the companies they represented. I did, in fact, undertake to express their concerns to the federal Minister of Justice.

**Mr. Speaker:** The member for Grey-Bruce with a supplementary.

**Mr. E. Sargent** (Grey-Bruce): Mr. Speaker, a supplementary to that question. Does the minister plan to express his concern about the reported fact that 14 of the 16 people charged with murder in Toronto now are out on bail?

**Mr. Yakabuski:** Because of a federal statute.

**Hon. Mr. Clement:** I don't know what the member means about my concern. These people have made application for bail; there has been a hearing at one level or another and bail has been granted, I presume.

**Mr. Sargent:** The report this morning was that of 16 people charged with murder in Toronto, 14 are walking the streets on bail now.

**Mr. Speaker:** Order, please. Let the minister answer.

**Mr. Sargent:** Would the minister report his concern about that to the minister in Ottawa?

**Hon. Mr. Clement:** I don't know whether I really have that much concern, because I am not familiar with the circumstances of each matter. I presume, and I would assume, that the member of the bench who made the bail order had conducted a hearing and was satisfied with the conditions that he or she attached at the time bail was granted in each individual case.

I don't think I could just make a blanket statement that I am concerned; otherwise perhaps the law should be written that when one is charged with murder that bail is not obtainable, and I don't think the hon. member would find that a very popular measure either.

**Mr. Speaker:** I think we should move on to a new question because of the limited time. The member for Downsview, first of all.

#### ONTARIO ADVERTISING IN TIMES SQUARE

**Mr. Singer:** Mr. Speaker, I have a question of the Minister of Industry and Tourism. In view of the somewhat less than favourable critical acclaim that has greeted his debut and the Premier's debut on Broadway, would the minister now give instructions to those responsible for the preparation of the film that they eliminate the Minister of Industry and Tourism and the Premier and leave in Guy Lombardo and Niagara Falls?

**Mr. Lewis:** The minister shouldn't be embarrassed.

**Hon. C. Bennett** (Minister of Industry and Tourism): Not at all.

**Mr. Lewis:** New plays often fail on Broadway.

**Mr. Roy:** I have a supplementary.

**Mr. Speaker:** A supplementary. The member for Ottawa East.

**Mr. Roy:** Does the minister want to respond? He doesn't want to respond?

**Hon. Mr. Bennett:** The question deserves exactly the answer it is getting.

**Mr. Speaker:** Is there a quick supplementary question?

**Mr. Roy:** Yes, the supplementary—

Interjections by hon. members.

**Mr. Roy:** What is this infatuation the minister has with himself about putting his face on the pictures; and in fact putting his name on all the ads, including the ads of Ontario Place?

**Mr. Yakabuski:** It takes one to know one.

**Mr. Roy:** Is that not a Crown corporation? What is the minister's name doing on the ads?

**Hon. Mr. Bennett:** It is the job of the Minister of Industry and Tourism, Mr. Speaker.

**Mr. Speaker:** The member for Cochrane South.

#### PAYMENT OF BACK WAGES TO NURSES' AIDES

**Mr. W. Ferrier (Cochrane South):** Mr. Speaker, I have a question of the Minister of Labour. Is the minister aware that the order by the judge in court about three months ago to pay back wages to 12 nurses' aides of Iroquois Falls has not been fulfilled because the judge's order was rather ambiguous as far as the Unemployment Insurance Act is concerned? If the judge had some misunderstanding of that Act, would the minister not think that perhaps his understanding of the Interpretation Act, which has caused a good deal of controversy, should be clarified? Would the minister reconsider the possibility of appealing that decision?

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Speaker, I was not aware that the order had not been complied with. I will be glad to follow it up to see if there is uncertainty in the Act. I admit that some of the Acts that we pass from time to time do have a little uncertainty in them; we will be glad to examine that.

**Mr. Speaker:** The member for York Centre.

#### ALUMINUM WIRING

**Mr. D. M. Deacon (York Centre):** Mr. Speaker, a question of the Minister of Consumer and Commercial Relations: At a recent fire in a Burlington plaza—I think the Pine-dale Plaza—the fire chief indicated that aluminum wiring had been used and that it may have been part of the cause for an electrical malfunction and the fire. Will the minister investigate this situation to see if this is evidence of a need for a 90-day moratorium on the use of aluminum wiring?

**Hon. Mr. Handleman:** Mr. Speaker, I haven't seen the fire chief's report. From what the hon. member has said, it appears that aluminum wiring was used in a place where a fire occurred, which was possibly caused by electrical malfunction. That has occurred in many cases across this province in the past. What we are still looking for is indication that can be proved to indicate that

aluminum wiring was the chief cause of a fire. We haven't found that yet.

I have not said at any time I was not prepared to consider a 90-day moratorium, or even a longer moratorium, if necessary, to investigate this matter. I will look into the specific case the hon. member has raised.

**Mr. Deacon:** Supplementary—

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

#### TERRITORIAL DIVISION AMENDMENT ACT

**Hon. Mr. Winkler, on behalf of Hon. Mr. McKeough, moves first reading of bill intituled, An Act to amend the Territorial Division Act.**

Motion agreed to; first reading of the bill.

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** Mr. Speaker, this bill contains four amendments to the Territorial Division Act, the first of which simply reflects the restructuring of Oxford county, which was brought about by the County of Oxford Act, 1974.

The other three amendments give names to some 358 geographic townships in the territorial districts of Algoma, Sudbury and Thunder Bay, which are presently designated by numbers or letters only. The selection of these township designations, as you will recall, Mr. Speaker, is the work of the all-party committee to name numbered and lettered townships in northern Ontario. I should like to take this opportunity to commend the committee and its chairman, the member for Algoma-Manitoulin (Mr. Lane) on its efforts.

The committee's selection, incidentally, was approved by my colleague, the Minister of Natural Resources, who set it up in March, 1973. For the record, Mr. Speaker, I might add that the names chosen include 55 members of the legislative assembly, 39 chiefs of reserves, 81 northern mayors and reeves and four chairmen of improvement districts, past and present. The remaining names include cultural and historical figures who lived and otherwise contributed to the northern milieu, such as the celebrated Group of Seven and 78 of our honoured dead from the Second World War.



**Mr. Lewis:** On a point of order, point of privilege—

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Well I see that my name is included in one of these items, and I specifically replied to a letter from the member for Algoma-Manitoulin asking that it not be included. I didn't subscribe to the kind of nonsense that was being suggested. I would like to know, before we proceed, what pattern was followed—or must that wait for the debate on the bill?

**Hon. Mr. Winkler:** Oh, I think the hon. member will have to wait for the debate on the bill, and the hon. member may find out that it is not him.

**Mr. Lewis:** I hope so.

#### COUNTY OF OXFORD AMENDMENT ACT, 1974

**Hon. Mr. Winkler,** on behalf of **Hon. Mr. McKeough,** moves first reading of bill intituled, An Act to amend the County of Oxford Act, 1974.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, this amendment empowers the city of Woodstock and the town of Ingersoll to issue interim property tax bills in an amount up to 75 per cent of last year's bills. At the present time these two municipalities are limited to pre-estimate levies of 50 per cent, while in the other municipalities in Oxford county the limit is already set at 75 per cent. This measure then will simply bring these two municipalities into conformity with the others.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

**Hon. Mr. Winkler,** on behalf of **Hon. Mr. McKeough,** moves first reading of bill intituled, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, the purpose of this bill is to bring provincial assistance for administrative welfare costs to Metropolitan Toronto in line with the provincial subsidy arrangements for regional municipalities.

At the present, for the purpose of the General Welfare Assistance Act, Metropolitan

Toronto is classified as a city. This means the municipality receives an annual subsidy of 50 per cent of such costs which are in excess of those of the base year 1964.

The regional municipalities, on the other hand, are classified as counties for the purpose of that Act and therefore receive a straight 50 per cent subsidy for their full administrative welfare costs in any year. Only two regional municipalities, Niagara and Ottawa-Carleton, were in a position similar to Metropolitan Toronto's and the recently introduced Regional Amendments Act will change their designations to counties as well.

#### STOCK YARDS AMENDMENT ACT

**Hon. Mr. Winkler,** on behalf of **Hon. Mr. Stewart,** moves first reading of bill intituled, An Act to amend the Stock Yards Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, at present the Act provides that surplus moneys of the Ontario Stock Yards Board shall be deposited in the consolidated revenue fund and shall constitute a fund known as the live-stock improvement fund. The amendment will permit the board to use future surplus moneys to establish a reserve fund in the consolidated revenue fund to be used in the manner set out in the bill.

#### ONTARIO AGRICULTURAL MUSEUM ACT

**Hon. Mr. Winkler,** on behalf of **Hon. Mr. Stewart,** moves first reading of bill intituled, the Ontario Agricultural Museum Act, 1975.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, this bill updates and revises the Ontario Agricultural Museum Act. Some of the features of the bill are as follows: The Ontario Agricultural Museum Advisory Board is continued; provision is made for the appointment of a chief executive officer of the museum and his staff; the objects of the museum are enlarged; the powers of the minister are set out in greater detail; provision is made for the deposit and use of moneys realized from the sale of property of the museum. Provision is also made for the making and tabling of an annual report on the affairs of the museum and for an annual audit by the Provincial Auditor of the accounts of the museum.

**Mr. Lewis:** On a point of privilege. I am now told that the Lewis township referred to here has nothing to do with me. I would therefore like to know why I was left out?

**Hon. Mr. Winkler:** The member took the same approach then as he is taking now.

**Hon. Mr. Grossman:** He is so modest.

**Mr. Speaker:** I recognize the member for Lambton.

**Mr. L. C. Henderson (Lambton):** Thank you, Mr. Speaker.

**Mr. Lewis:** Keep on making fun of it and it will catch on.

**Mr. Speaker:** Order, please.

**Mr. Henderson:** I am sure the hon. members would like to join me in welcoming 46 students, with their principal, Mr. Watson, from the Woodside School in Forest. They have as a special guide Mr. Bradley Boyd, a young man who just completed his tour here as a page.

**Mr. Roy:** The Minister of Industry and Tourism should tell them he is on Broadway.

**Hon. Mr. Bennett:** It's one place the member will never be.

**Mr. Speaker:** Does the minister have a bill to introduce? Order, please.

**Mr. Roy:** Let him tell them how he exposed himself.

**Hon. Mr. Bennett:** The member won't even make it in Ottawa East.

**Mr. Speaker:** Order please. Does the hon. Minister of Natural Resources have a bill? I called for bills. He may introduce it now.

**Hon. Mr. Bernier:** Mr. Speaker, with your permission, could we revert to the tabling of reports for the moment?

**Mr. Speaker:** Do we have permission to revert to tabling reports?

Agreed.

**Hon. Mr. Bernier** presented the annual report of the Niagara Parks Commission for 1974.

**Mr. J. E. Stokes (Thunder Bay):** That is the one that gets some of those Hydro rentals.

**Mr. Speaker:** Now back to introduction of bills. The Minister of Natural Resources.

**Mr. I. Deans (Wentworth):** You have to revert to that too.

## MINERAL EMBLEM ACT

**Hon. Mr. Bernier** moves first reading of bill intituled, the Mineral Emblem Act, 1975.

Motion agreed to; first reading of the bill.

**Mr. Stokes:** That is the amethyst.

**Mr. Deans:** This is called the Stokes bill.

**Hon. Mr. Grossman:** Oh, I thought it was going to be the Grossman bill.

**Mr. Deans:** Not likely; the Stokes bill.

**Hon. Mr. Bernier:** Get on the bandwagon.

**Mr. Stokes:** He didn't even know what it looked like until I showed it to him.

**Mr. Deans:** We thought the minister would be decent enough to—

**Mr. Speaker:** Order please. Order.

**Hon. Mr. Grossman:** How would I know what an amethyst is? I don't have any jewellery.

**Mr. Laughren:** They're always trying to keep up to somebody.

**Hon. Mr. Bernier:** We lead, we don't follow.

**Mr. Stokes:** Would you like me to make an explanation of this bill, Mr. Speaker?

**Mr. Speaker:** Not just now, thank you.

**Hon. Mr. Bernier:** Mr. Speaker, the purpose of this Act is to establish the amethyst as the mineral emblem of the Province of Ontario, and I would suggest that the members could look up Hansard, at page 1861, May 15, 1975, for my remarks when I made the announcement in the House.

**Mr. Laughren:** Outrageous plagiarism.

**Hon. Mr. Bernier:** I, of course, look forward to some very supportive and interesting debate when it comes up for second reading.

**Mr. Deans:** Mr. Speaker, before the orders of the day, on a matter of procedure. You will recall, sir, that there was a report made to the House on Votes and Proceedings No. 27, on April 29, 1975, and that report contained in part on page 84, the following:

If a matter or bill referred to a standing committee is deemed to be of "special interest," the consent of the House must be given to have the deliberations of the committee recorded.

That was passed. I would like now to ask for the consent of the House regarding Bill 100, which is dealing with the collective bargaining rights of teachers and boards. I think we should have the deliberation on that bill in the committee recorded.

**Mr. Speaker:** I am sorry, perhaps I got lost here.

**Mr. Deans:** Okay. You can appreciate that it would be too late for me to ask for it after it was in committee. I wanted to give the House leader and those persons in Hansard who have to do the setup work the opportunity and the time to make the arrangements in order that the deliberations could be recorded, as per our agreement on that day some weeks ago.

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, I would also encourage the acceptance of this suggestion by the member for Wentworth, because I believe that this bill has proven to be of great interest to various segments of the community, not only the teachers and members of the various school boards who will be personally interested.

We have not had the opportunity as yet of considering any bill to be of such particular interest that it's debate in standing committee has been recorded. I think this would be a reasonable opportunity to do this. It would show to the future that bills really have to be of particular significance if this procedure is going to be used. If we take this as an example and almost as a bench-mark for future decisions in this area, I think we will be doing a good service to the Legislature.

**Hon. Mr. Winkler:** Mr. Speaker, in response to the particular requests that have been made, I will say that I believe the bill will probably not reach committee until Thursday. I'll discuss this with my colleagues and probably announce it in the order of business this evening.

**Mr. Speaker:** Thank you. In the meantime, since this would be a precedent as far as procedure goes, we'll decide on what the proper procedure should be in such an event.

**Mr. Deans:** If I may, sir, just before the order is called. It wouldn't be a precedent, it would simply be the first time that we had used that particular rule.

**Mr. Speaker:** That's my meaning of "precedent."

**Mr. Deans:** I want to be clear that it is not in any way out of order or it's not the

precedent of the type where you would say you are setting a precedent for future discussion. It is simply the first chance we have had.

**Mr. Speaker:** I might say I was referring to the mechanics of it.

Orders of the day.

**Clerk of the House:** The 12th order, resuming the adjourned debate on the motion for second reading of Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

#### SCHOOL BOARDS AND TEACHERS · COLLECTIVE NEGOTIATIONS ACT (concluded)

**Mr. M. Gaunt (Huron-Bruce):** Mr. Speaker, when I adjourned last night we were talking about section 64 that considered principals and vice-principals as a separate part of this particular bill and as a group which would not be involved in the bargaining unit in regard to this particular bill.

I made the point that, as far as I was concerned and as far as our party was concerned and as far as the opposition was concerned, this was a very bad section in what is otherwise a good bill. It places the principal in a hopeless negotiating position. It puts principals in an impossible position in the school setting. They are going to be in the situation where they will not be working in accord with the teachers under their jurisdiction and authority and it is going to cause hard feeling. It is going to cause difficulties in the administration of the schools and perhaps even chaos in the schools in the event that a particular school is struck.

I think the minister can resolve this problem very easily by simply striking out section 64. I notice there are some anomalies in this particular bill, particularly when it is judged against the Education Act. For instance, when one takes a look at the Education Act, we note that section 1(1), paragraph 39 states:

"Principal" means a teacher appointed by a board to perform in respect of a school the duties of a principal under this Act and the regulations.

The part I would like to underline, Mr. Speaker, is in connection with "'principal' means a teacher." If a principal means a teacher under the terms of the Education Act, then I suggest to you that the same should apply to Bill 100. If that is the case, then the principals should have all the rights and privileges and responsibilities of such a



membership and should be covered under the terms of this particular legislation rather than being divorced from it.

As I said last night, this particular legislation drives a wedge between the principals and their teachers. Instead of creating harmonious relationships as is the stated intent of the bill, it would do just the opposite. I think the minister would be well advised to reconsider this particular section, because if he doesn't make some substantial change—preferably strike it out altogether—it is going to cause him nothing but grief in the future.

Also, on page 200, section 230, paragraph (b) of the Education Act, it states: "It is the duty of a principal of a school, in addition to his duties as a teacher . . ." There is no question about the fact that the Education Act, as such, recognizes principals as teachers. For the life of me, I can't figure out how the minister rationalizes that definition in the Education Act and then turns around in this Act and completely divorces it from his thinking in respect to the role of principals in the school.

**Mr. D. M. Deacon** (York Centre): The member's logic is sound.

**Mr. Gaunt:** The other matter which has been drawn to my attention and certainly seems to be the other contentious part of this bill is in respect to section 1(1) of the bill in regard to extracurricular programmes in the school. I think under the terms of the bill these would become mandatory and here again I can't figure out the rationale because it would undoubtedly add to the cost if these were contractual arrangements rather than voluntary. It would add to the cost at a time when taxpayers, I believe, are already seriously questioning the validity of the educational dollar.

The decision by any teacher not to continue a voluntary activity could be interpreted under the bill as a strike and punishable by per diem fines of \$500 per day. First of all, I think that's extreme punishment for not continuing what was an unpaid, voluntary activity in the first place. Secondly, I wonder how the minister arrived at that kind of fine when we take a look at some of the other fines applicable in provincial legislation with respect to pollution and all sorts of other things dealt with in the various pieces of legislation we pass through this House.

There is another matter which has been referred to a number of times by various speakers and that's the matter of the Education Relations Commission. I suppose this is a concern which is based on logistics more

than anything but I really can't figure out how the commission, which is going to be made up of five members, can possibly undertake as many as 233 negotiations which could be in dispute at the same time. I think those five members would be spread very thin under those circumstances and I'm wondering if the minister has thought his way through that one.

I don't know how that situation could be accommodated. Perhaps it's academic but I suppose it could happen under certain conditions. If it did happen those five people would be faced with a situation of trying to involve themselves in 233 negotiations all at the same time. I think that would be an impossible situation and one which could disrupt the educational system in the province to a very substantial degree.

Those are my comments on the bill, Mr. Speaker. I particularly want to impress upon the minister that as far as section 64 is concerned, I hope he doesn't hardline this particular section of the bill. I hope he is prepared to keep an open mind on it. I hope he recognizes the validity of the arguments on this side of the House with respect to that section and the validity of the teachers and their organizations in regard to this particular section, to the extent that he will be prepared to make amendments to it.

**Mr. Speaker:** The member for Riverdale.

**Mr. J. A. Renwick** (Riverdale): Mr. Speaker, I had not intended to join in this debate and I don't intend to take up the time of the assembly at any length in order to add my voice to what has been said about the concern with respect to the exclusion of principals and vice-principals from the collective bargaining process.

I do so not because I can add anything to what has been said so ably by members of this caucus about this particular section and about the bill in general—in particular the member for Port Arthur (Mr. Foulds), the member for Windsor West (Mr. Bounsall) and the member for Sandwich-Riverside (Mr. Burr)—but I must comment simply because, as other members of the assembly have, I have received from respected and highly regarded professional teachers in my riding representations about their concern. In particular I have received from Eastern High School of Commerce—from the principal and one of the vice-principals—and from the principal of St. William's School in my riding, letters and telegrams expressing their concern about the exclusion of the principals and vice-principals.

Perhaps I could simply put as my view of an adequate statement the view of the principal of the Eastern High School of Commerce. My friend, the member for Eglinton (Mr. Reilly), and I were at that school, celebrating the 50th anniversary of the school not so long ago. The principal writes to me:

The proposed Bill 100 has much to recommend it. I must strongly add my support, however, to the protest on the measure which would split a principal and the vice-principals from the rest of the staff in times of strife. The responsibility of a principal to the board of education is great. The preservation of the unity of the staff, however, is of paramount importance and any step that would destroy this trust would do irreparable damage in our educational system.

I suppose that states what I want to say about the bill. I have taken the opportunity to write to the chairman of the Metropolitan Toronto School Board, the chairman of the Metropolitan Toronto Separate School Board and the chairman of the Toronto Board of Education about the bill in general, asking for their comments but I haven't received any comment from them. It may well have been that the reason I haven't received comment is that they will speak to the matter when the bill is in committee or that they did not have time to do so.

In emphasizing my support I would draw the minister's attention to the views expressed by the principal of the Eastern High School of Commerce and others who have written to me in my riding on this question of the exclusion of the principals and vice-principals. In my judgement we did the same thing and we did it wrongly with respect to the police force. The Metropolitan Toronto Police, for example, had the top members of the police force excluded from the bargaining unit and excluded from the police association. I think that has militated greatly against the unity and the concerted action and effectiveness of the police force.

At that time I said—and I don't want to emphasize all the arguments made at that time—we have to get away from the idea that collective bargaining can take place only if we incorporate the school system. To take the top—the principal and the vice-principals—out of the collective grouping and the unity of the community of the school—the community of the teachers, the principals and the students in the school—under some misguided view that by so splitting them off

one facilitates the collective bargaining process, I suggest is wrong. I would strongly urge the minister not to proceed with any corporating of the school system. The model of the business corporation is not one we must adhere to in fashioning the other institutions within our government system.

I urge the minister to withdraw those particular provisions of the bill.

**Mr. Speaker:** Does any other member wish to take part in this debate? The hon. minister.

**Hon. T. L. Wells (Minister of Education):** Mr. Speaker, I think it has been stated many times during this debate in the last few days that section 2 of the bill sums up the purpose of this bill, which is the furthering of harmonious relations between boards and teachers by providing for the making and renewing of agreements and providing for the relations between boards and teachers in respect of agreements. I think if I were to sum this up in a few words I would say the basic principle of Bill 100 is orderly negotiations by reasonable people bargaining in good faith.

I think this bill we have presented achieves these objectives. It presents in a clear step-by-step manner the kind of procedures that are to take place as bargaining proceeds. I think it provides innovative measures to avoid bargaining impasses, and it offers particular alternatives to confrontation as the process moves along. It recognizes very clearly, I think, the realities of collective bargaining in the educational field.

As I have said many times, it's based on rights, reason and responsibility. It guarantees certain rights to people, to teachers and to school boards. In return, I believe that reason and responsibility can come into play and we can see much less troubled bargaining sessions ahead than we have had in the past. As I say, I think that this in capsule terms expresses the principle of this bill.

I would thank the many members of the House who have spoken, from all sides, who have agreed with the basic principle of the bill. They have agreed with it and they have said—which I guess is unusual to hear around this House—some kind things about a piece of government legislation; and I thank them for that.

I think this bill is the right bill at the right time for this particular situation. People have criticized the fact that it has taken



so long to come in. I guess you have to live through a thing like this to know why the time had to be taken; the things that had to be done; the events that had to occur to let us arrive at the point where we could bring in a bill such as this.

But I still reiterate what I said when I introduced the bill a few weeks ago. Although the time may have seemed lengthy, I think the bill we have produced was worth waiting for. It really did, in fact, take that long to develop the bill, moving from the position that I think we felt sincerely at the time was the right position back in 1973.

It's great, I know, to have people read back quotes and to tell you what you said then. I guess one of the things you learn in politics is that if you don't change your mind, you are accused of having a closed mind and being completely unbending; if you change your mind, then you are accused of caving in. Neither seems to be a virtue; they all seem to be some degree of political sin.

**Mr. G. Samis (Stormont):** An honest man.

**Mr. W. Ferrier (Cochrane South):** I think it is a sign of growth.

**Hon. Mr. Wells:** I have always adopted the position that the thing to do is to look at all the facts that are before you and to try to come up with the right solution at the particular time when you find yourself trying to achieve a solution to that problem; and that may mean a different position at a different point in time.

I might observe, though, or comment on a couple of the statements that have been made by various members and say that I really quite strongly disagree with them. For instance, I do not believe that the presence of this legislation at this time would have necessarily prevented the impasses in the Lakehead and Ottawa. It is nice to believe that it would have. I tell the members, and I am sure some of them know, that the kind of remedies that are suggested in this bill were offered to the teachers and the boards in those particular situations. Granted, they were not there is legislation, but they were offered to the boards and the teachers and they were turned down.

The chance to have fact-finders in, and the chance to have particular votes, all these kinds of things, of course, could have been done on a voluntary basis; but they were not done before those particular disputes. If,

as we all believe and hope, that with this bill being in place and being law in this province, we find things go forward in a much more orderly way, then we will know that these kinds of steps that we have suggested can prevent the kind of impasses that have happened in the past. But I don't think we can automatically assume that had this bill been here, it might have stopped those disputes; I am not sure.

As I have said, I feel this bill is the right bill at the right time. The rights that it guarantees to people, I think, will in the long run at least prevent more strikes than we have had in the past. I hope it will prevent all kinds of work stoppage and strikes and will bring more harmonious bargaining into the educational field. I still have a little feeling—and I guess this goes back to some of the comments that I made two years ago, and even before that—that somewhere, somehow we are going to have to find a better way than even that type of confrontation.

But I just have to say that in the 18 months we've been studying and working on ways to present this bill, we haven't been able to find a better way. That's why I get a little disturbed when I read some of the very glib editorial writers who suggest that instead of granting certain rights and bringing in a piece of legislation such as this, perhaps we should have been spending our time looking for another way, a better way, some other way of settling disputes.

**Mr. J. F. Foulds (Port Arthur):** Always undefined.

**Hon. Mr. Wells:** That's right, they're always undefined. That's exactly what we spend a lot of our time doing. There just isn't anything else at the minute that isn't compulsory arbitration in some form or in some way, called by some name. That's what it really boils down to at this point in time.

I say, and I say this very sincerely, that I hope we will be able to find a better way at some time in the future. I think that it's probably in the cards somewhere. But at this point in time, in order to get the kind of harmony I think we need in this particular area of the public service, we need to give certain rights in order to get responsible, reasonable people to act in a harmonious way and to bargain in good faith. I think that's what we've tried to do.

**Mr. Deacon:** I'm sure smaller school boards would help.

**Hon. Mr. Wells:** I'm not so sure they would at all. In fact, I think perhaps a part of the



problem in this whole area, if I can digress, is the fact that they are unaccustomed to negotiation procedures. That, I think, adds to some of the problems that the boards have got into.

**Mr. Deacon:** The frustrations of bureaucracy.

**Hon. Mr. Wells:** No, I'm not so sure that it's the frustrations of bureaucracy. I don't accept that.

One of the other things that I would say in commenting on the various remarks that have been made—and I don't know whether this is a good comment to make but it's interesting, I think, that most of the criticisms that have been presented here, and of course there have been some very strong criticisms of sections of this bill, fairly well have been the criticisms that have been presented by the Ontario Teachers' Federation, the Ontario Secondary School Teachers' Federation and other teachers' groups.

**Mr. Foulds:** There are several others we have presented.

**Hon. Mr. Wells:** Well, barring a few; my friend, I think, maybe had a few in his remarks, but most of the others have dealt with these.

I sat here and wrote myself a little note: "Isn't there anybody in this House who loves the trustees?" I haven't heard one person on the opposition side stand up and itemize for me any of the complaints of the trustees of this province. It just strikes me as rather interesting—

**Mr. Deacon:** It is interesting. I have talked to several trustees and they agree.

**Mr. Ferrier:** They must be a pretty passive group.

**Mr. J. R. Breithaupt (Kitchener):** They are happy.

**Mr. Foulds:** They've been remarkably silent during the last few weeks. Silence in law means consent.

**Hon. Mr. Wells:** I'm glad my friend feels that the trustees are completely happy, but I think they do have some criticisms of this bill—

**Mr. Deacon:** Some of them do have.

**Mr. Breithaupt:** They haven't been very active in sharing their problems.

**Hon. Mr. Wells:** They have some criticisms of this bill but I guess none of the criticisms

that they have finds much favour with the members of the opposition.

**Mr. Foulds:** They should try us.

**Hon. Mr. Wells:** My friend knows that one of the criticisms that a lot of trustees have—they've put this to me even in the last few weeks; but I don't agree with it either—is about the scope of negotiations. There are a lot of trustees who still feel the scope of negotiations in this bill is too wide open and they would like to see a management rights clause or some limitation on the scope of negotiations.

**Mr. Breithaupt:** It's a pity they haven't shared their concerns with us as well.

**Hon. Mr. Wells:** I'm surprised that they haven't.

**Mr. Foulds:** So are we.

**Mr. Samis:** Indeed.

**Hon. Mr. Wells:** I thought the members opposite had some pretty good research people who were always out there looking for things rather than waiting for them to descend upon their desks?

**Mr. Foulds:** I mentioned a few points—

**Hon. Mr. Wells:** I am just saying to the hon. members that even if they had heard that complaint, would they have done anything about it? They probably wouldn't.

**Mr. Deacon:** We consulted with them. We have one very active candidate who is pursuing the matter.

**Mr. Samis:** The member for Windsor West quoted from one.

**Hon. Mr. Wells:** As a matter of fact, we had a very active candidate sitting in the gallery here last night who is a public school principal and who is quite happy with the bill.

**Mr. Deacon:** Is he happy with the bill?

**Hon. Mr. Wells:** Sure.

**Mr. Samis:** Boy oh boy, wait until the campaign starts.

**Hon. Mr. Wells:** Anyway, I just draw to the attention of the House some of the comments which the trustees have been putting forward and which I am sure they will put forward in the committee. One of them with which I disagree, in regard to the scope of negotiations, is very sincerely held by them.

I have said in this House many times that I think one of the important features of this bill is to lay out a wide open scope for negotiations. I don't hold the fears that the trustees hold about giving away the shop, by the fact that they now will have to negotiate a lot of things that in the past have been viewed as pure management prerogatives. I think these things can still be negotiated, the management prerogatives can be preserved and the trustees can still be accountable to the people. I think the educational system can benefit much by this sharing of a lot of this area of working conditions.

**Mr. Breithaupt:** We agree with it.

**Mr. Samis:** Right on.

**Hon. Mr. Wells:** I don't see any problem with that but they do have this serious concern.

The separate school trustees of this province also are sincerely concerned about certain constitutional rights. It is my observation that this concern is not shared by the Ontario English-Catholic teachers. I have discussed this with the separate school trustees and I am sure we will be talking to them in the committee. I think we have to be very careful that we don't do anything with this bill that somehow gives the English-Catholic teachers of this province a little less rights than the other teachers. I have suggested to the separate school trustees that the best way would be for them and their teachers to work something out. They could come jointly to us if they think there should be something put in this bill to protect certain rights that are guaranteed by the British North America Act.

My friend sitting to the left of me is a lawyer, and the hon. member for Riverdale is a lawyer and there are a few others in this House, but it would be my non-legal interpretation that there is certainly nothing in the statute that we can pass in this House that could override any rights that are guaranteed in the British North America Act. If we did, the courts would soon, I think, put us in place.

**Mr. Samis:** Rightly so.

**Mr. Foulds:** I think the fear the separate school trustees have is covered by clause 52—the grievance procedure.

**Hon. Mr. Wells:** I don't think it is, completely. I think perhaps we will bring in an amendment in committee that may in some way cover it, but at the same time will not in any way interfere with the rights of the teachers. It is not the same kind of amend-

ment they have in mind, but I think we will have plenty of time to discuss that when we get into committee.

**Mr. Speaker,** I think I sense rightly that practically every member of this House agrees with the principle of this bill. I emphasize again it envisages orderly negotiations by reasonable people bargaining in good faith, and in this bill we have the procedures to accomplish this in the educational field.

There are, of course, still some sections on which there is not unanimous agreement. I am not going to deal with all of those today. Most of the sections that were brought up are not general principles of this bill but they are specifics that properly deserve to be debated in committee. Let me just deal with a couple of them quickly.

I think the matter of principals and vice-principals has been discussed quite extensively by most members that have taken part in this debate. I would like to make it very clear that there was no sinister motive in including this section in the bill. It was merely put in in order to achieve a balance which we believed was necessary in bringing forward a bill to guarantee certain sanctioned rights to a group in the public sector. Although they never have not had these rights in law, they have been presumed by a large group of the public to be a group that does not normally strike.

So, building into this bill the right to withdraw services—and this is perhaps the difference between where the members opposite sit and where we sit—we also had to think about the total public good—about all the members of the public.

**Mr. Foulds:** Now the minister is being provocative. We in the opposition are very well aware that the public interest and welfare is our responsibility too.

**Hon. Mr. Wells:** I'm just pointing out to the member that in bringing this bill forward we had to think about this. Some people think that all we did was bring a bill forward that perhaps would just please teachers. We've tried to bring a bill forward that is based upon sound principles that will not only bring forward good-faith bargaining, but will consider also the students and the general public and everyone.

**Mr. Foulds:** The public interest and welfare.

**Hon. Mr. Wells:** In doing that we were trying to think of areas where we had to have concern. If a school is closed because of a strike, it's easy to believe and think that

all the students will know that a strike is going on, that parents won't be confused and that things won't be happening in that community. Of course, it may not be closed. There may be all kinds of other community activities going on in that school. One has to think about these things.

In drafting this bill we thought that the principal is perceived by the public—and I don't dispute for one minute any of the arguments about the principal being the principal teacher—in his community as being the boss of that school. Inside he may just be one of the staff and the principal teacher, but he's perceived as the boss of that school in the community.

In the event of a withdrawal of services, if buses are coming to that school, the kids still come. The word may not get around, there is uncertainty as to what's actually happening, there is uncertainty about the community use of that school, there is also the board's concern that that property somehow continue to stay in good hands. For these reasons we believe that somebody should be considered as essential. So, in drafting the legislation, we thought the principal and the vice-principal should remain on the job, which is, I understand, not uncommon even in certain industrial areas, without disturbing this balance between them and their colleagues.

If the teachers and the principals choose to make this a divisive type of arrangement, then I guess it will be. With the rights that we now have built in, by this bill the principals and vice-principals can stay members of the bargaining unit and members of the association, can bargain with their friends and can do everything except vote on a strike and take part in a strike. If it is accepted in good faith by all concerned, I think it can work. If it isn't accepted in good faith, it won't work. It begins to look to me as if it is not going to be accepted in good faith. I think that it could be accepted, and it could work. I think that if all accepted it, there wouldn't be any problem.

I would like to quote one thing here just to set the record straight. I have heard read to me many times that section from the Education Act about the duties of a principal. The last person to read it was my friend from Huron-Bruce. I don't know whether he and others have read the regulations concerned with the Education Act on the duties of a principal. If they read through those duties of a principal they'll see that a principal is far more than just a teacher in the school.

**Mr. Gaunt:** Oh, that is true.

**Hon. Mr. Wells:** Does the member know what they say?

**Mr. Gaunt:** Well, not verbally, not precisely.

**Hon. Mr. Wells:** One of the things they say is, subject to section 40, which concerns an inspector being able to take over his duties if he comes in a school:

A principal is in charge of the management and discipline of his school and, subject to revision by the inspector, is in charge of the organization of his school.

The duties of a principal also say that he is to make recommendations to the board respecting additions and alterations to school property, inspect the school premises at different times and exercise control over pupils.

There's a whole list of the things in here which I would suggest is a little more than his just being another one of the teachers and the principal teacher in that school. Regulation 191 lays down as the duties of a principal a lot of things that are concerned with the organization and management of that school. I think that if members accept that, read that and look at the perception that a lot of the people in the public have of the principal of that school, they can see some of the thinking that went into our minds as we developed this section and thought that a principal and vice-principal should be considered essential to the school. Therefore not withdraw their services when other did, if this happened in the case of a dispute.

Let me move on to the area of extracurricular activities. It was never the intention, and it was certainly never thought of in drafting this bill, that we interfere with the traditional pattern of voluntary extracurricular activities. As I said in an exchange with my friend from Windsor West last night, in this section, the one that has been debated, and that's—

**Mr. Foulds:** Clause 1(1)(iii).

**Hon. Mr. Wells:** —clause 1(1)(iii)—we were really attempting to deal with the matter of work-to-rule, not to set any new patterns concerning co-curricular or extracurricular activities, not to suggest that anyone would be prevented from withdrawing voluntary services or should be paid for voluntary services or anything of the kind. I admit I think perhaps the wording is not right, but what we were trying to do was to say that work-to-rule, which has been a very disturbing and unsettling bargaining tactic that



has been used over the last few years, should also be considered as a major sanction procedure.

This came about, incidentally, as a result of the discussions we had with the Ontario Teachers' Federation a good 1½ or two years ago when we first started talking about negotiation bills. We talked about the right to strike or no strike, and some of them made the point to me that in a bill such as this, we shouldn't just talk about the ultimate sanction—complete strike or non-complete strike—but we should have other perhaps less severe sanctions that could be considered, depending upon the situation at the time.

**Mr. Foulds:** But the minister had defined all sanctions as a strike in this bill. He has defined all sanctions as strike in this bill; all sanctions and no intermediary stage in sanctions.

**Hon. Mr. Wells:** That's right, yes. The intent of this bill is that there be no sanctions such as work-to-rule, or rotating strikes, or mass resignations during the life of a contract. These then become sanctions that could be used when there is no contract and when all the procedures that are laid down and that allow a group to go on strike have been followed. The definition was meant to include all these things. I think that on work-to-rule terminology, as I said last night, I always wanted to just put in 1(l)(iii) "work-to-rule" rather than the phraseology here, but I got talked out of this by the lawyers at various points of time because it was an undefinable term too, and that may be. But that was the—

**Mr. Foulds:** So are co-curricular and extracurricular.

**Hon. Mr. Wells:** Yes, I don't know where they learned those words.

**Mr. F. A. Burr (Sandwich-Riverside):** Is the minister not going to tell us what it means now?

**Hon. Mr. Wells:** I am telling the members what it means now.

**Mr. Burr:** What co-curricular means?

**Hon. Mr. Wells:** No, I am not going to tell them what it means. All I am saying is those were the words that were chosen to mean work-to-rule.

What we are really saying is that if a work-to-rule tactic, and I realize that is a very difficult thing to define, but if that kind of sanction is to be used, we felt that it

should come under the aegis of this bill, it should come when there isn't a contract and after all the steps that are laid out for a strike have occurred.

I have explained that. I explained that two weeks ago to the Ontario Teachers' Federation. They know this, but they have still persisted in sort of generally scaring people, I think, which I regret. I think we could have straightened this out much more easily, judging by some of the letters that they have sent out about this particular area. I explained this and we had a good discussion about it at the meeting we had before we introduced this bill. We had a good discussion about it and they knew exactly what we meant in this particular section.

There was one other alternative to this particular section, of course, that I put forward at the time. With the wording that we had in, I said: "Why don't we just leave the wording out and get some kind of a memorandum of agreement signed that work-to-rule will not be used as a bargaining tool?" We have now got a legalized route to strike and so forth; let's get work-to-rule right out of there, because it is a very unsettling kind of thing and it has very dire and bad effects in a lot of areas. It creates bad feeling between pupils, students, teachers and parents, perhaps without their realizing; it's the same kind of technique as some of the other sanctions which could be used.

Be that as it may, they did nothing in regard to that. Unfortunately it started the letters going around the province that we were somehow trying to interfere with what had been voluntary activities, which as I say is not the intention at all. I think we can get this wording all straightened out in committee on that particular section. I see no problem in that.

The other major points I would comment on this afternoon, Mr. Speaker, include the Education Relations Committee. We see this as a very prestigious, impartial group. I think some of the names my friend from Port Arthur suggested are those of the kind of people I certainly see in my mind as sitting on the Education Relations Commission. I think they have—

**Mr. Breithaupt:** Except the ones he liked are maybe the ones the minister didn't like and vice versa.

**Hon. Mr. Wells:** No, I didn't say that. If the member had suggested a few in his remarks, I would have kindly said I liked those, too.

**Mr. Samis:** The member for Port Arthur is very constructive.

**Hon. Mr. Wells:** They are the kind of prestigious, impartial people we are looking for and will try to get to make up this Education Relations Commission. It is going to be a very important group.

It has to have a high degree of trust among all the parties, not only the teachers and the boards but the public. It has to have a high degree of competence. It has to have people who know what they are doing and who are able to take this legislation and, really, they will be charged with getting it going, along with the boards and the teachers bargaining in good faith. I think we can accomplish that.

The other matter which has been mentioned but which I don't really see as a serious matter, although many of the speakers do, is the matter of the termination date of contracts. We really had two things in mind in putting this in the bill. One was that we believed it was only good sense for a teacher whose school year ran from September to June should know his full terms and conditions of employment for that particular period, the period he was going to be employed.

Further, on looking at the situation in the province, we find that 102 boards terminate their contracts at the end of the school year, Aug. 31, and only 23 terminate contracts on Dec. 31, the end of the calendar year. If one is looking for a uniform period coupled with, as I say, the reasoning that it's better to have the contract for terms and conditions of employment in place for the school year a teacher works, it becomes obvious that the Aug. 31 termination date, with contracts of at least one year from Sept. 1 to Aug. 31, is the best way to go. That's the way we have gone in this bill.

There will be a couple of amendments in committee to allow boards in the transitional stage, those which are not on the school year contract, to decide whether they want to have 20-month contracts or eight-month contracts, whenever their contract comes up, to get back into line. They will not be forced into the longer contracts as they would under the present reading of the bill. There will be some changes suggested in that particular area.

**Mr. Speaker,** with those few remarks I won't comment on any of the other sections. There are many which we will be fully debating. I hope the bill can get into committee on Thursday afternoon and we can have a full and very detailed debate on all the sec-

tions with the various interest groups who wish to present points of view to us.

Again I thank the members for their support of the principle of this bill. We have very high hopes for it. I think it can achieve the hopes we have and bring about real good-faith bargaining in the teacher-board area, keeping in mind all the time the educational needs of the young people of this province.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand this bill is to be referred to the standing committee.

**Mr. Renwick:** On a point of order, if I may. Would the minister take the opportunity to express to the House leader his views with respect to the point raised by my colleague, the House leader of this party, about the recording of the proceedings in the standing committee of the Legislature, as this bill is one of special interest.

**Hon. Mr. Wells:** Mr. Speaker, the House leader has already indicated we have spoken about it. He is going to make some determination about it I think later in the day.

**Mr. Renwick:** My point of order, Mr. Speaker, is simply that obviously the minister is the one whom he will consult. It's a matter of the consent of the House, and I would ask him to give assurance to the House leader that he would give such consent himself.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The second order, House in committee of the whole.

## OMBUDSMAN ACT

(continued)

House in committee on Bill 86, An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies.

**Mr. Chairman:** When we ceased discussion at the last time the bill was being considered in committee, I understand we were at section 13, subsection 1.

I believe Mr. Renwick had moved that section 13 of Bill 86 be amended by deleting everything after the word "office" in the fourth line. Does the hon. member for Riverdale wish to comment?

**Mr. J. A. Renwick (Riverdale):** On section 13: Yes, I would like first to make a



clarifying comment. My amendment applies to the whole of section 13. I intended to delete everything after the word "office" in the fourth line of subsection 1 of 13, and to include in that deletion subsection 2; because, of course, subsection 2 is the limiting clause to which I was taking exception.

Perhaps, Mr. Chairman, I could refresh the committee's mind about my reason for moving the amendment. When we rose at the close of the sitting last Thursday, I was expressing to the minister the concern which we have throughout the bill about the way in which the government has decided to circumscribe the function of the Ombudsman in a way which is unacceptable to us.

My colleague, the member for Lakeshore, (Mr. Lawlor) is not able to be here and will not be here for the remainder of this debate. But he and I were emphasizing to you that the essential limitation which we were being asked to impose—because it's going to be an oath administered to the Ombudsman in this assembly by the Speaker of this assembly—is one which is objectionable. Because subsection 2, which is the only exception, would have to be read in the very limited sense that the only matters which the Ombudsman could disclose in any report are such matters as ought to be disclosed to "establish the grounds for his conclusions and recommendations."

That is a very limiting restriction, I believe, as I have said both on second reading and on occasion when we were discussing the previous section of the bill, if we are creating an institution of government—and I personally consider we are creating one. In Great Britain, certainly, the office of parliamentary commissioner for administration is considered to be a constitutional arrangement for the protection of the individual in his relationship with central administration, or one of the ways in which he is so protected. It would appear to me, therefore, that the oaths the Ombudsman should take should be the general grant to him that he will exercise the function of his office faithfully and impartially. I feel we should not impose any further restriction on him. We feel that it's of sufficient significance—assuming we have sufficient members in the House—that we will divide at this time and not stack that amendment.

**Mr. Chairman:** Does the hon. minister wish to comment?

**Hon. J. T. Clement** (Provincial Secretary for Justice): Yes. I listened with interest last Thursday evening when this matter was debated at some length. I think, Mr. Chairman, that there may well be a difference of opinion

here. I wonder if there isn't really a difference in understanding.

I can recall debating with the member for Riverdale and the member for Lakeshore, perhaps a year and a half ago, the matter of privacy of the individual. We had a very interesting discussion on that occasion dealing with the matters of privacy and confidentiality of the citizen. It was a discussion which came out of the legislation then being considered, the Credit Reporting Act as it was called.

That section, Mr. Chairman, is in the Act, not for the protection of the government or any of its members, but for the protection of the individual who sees fit to bring a matter to the attention of the Ombudsman. I can visualize many situations where a person, not wanting his or her affairs known generally or widely or publicly, must feel there is a confidential aspect in his or her bringing a complaint to the attention of the Ombudsman. It must be this way. It must be the same type of confidentiality that leads people to make disclosures in privacy to their solicitor knowing full well that legally they can rest assured the solicitor is not going to run forth and tell the world at large the affairs of his client.

That is the reason the section is there. The escaping section, subsection 2, allows latitude to the Ombudsman to make disclosures if, in his opinion, he feels they ought to be disclosed. In some instances, with the concurrence of the individual citizen, the Ombudsman will undoubtedly make those disclosures if he sees fit.

I point out, Mr. Chairman, that a number of jurisdictions which have similar legislation have recognized this principle. I deal firstly with the New Zealand legislation. Section 8 deals with the oath of office. I don't think there's much point in reading all of the sections into the record, but section 8 says: "Before entering his duties, the commissioner shall take an oath of office and shall not, with the exception of section 18, divulge any information received by him under the Act."

By the way, that New Zealand legislation was, I believe, introduced in September 1962. In 1972, the Province of Saskatchewan, following the New Zealand legislation, likewise reflects the same type of situation in its legislation, namely, in section 10(1) which says: "He shall not disclose." In subsection 2—it may be even the same, word for word—it gives him the discretion, if he finds it necessary, to make disclosure.

Nova Scotia's legislation was introduced in 1970-1971. Section 3, subsection 5 of that legislation says he shall take his oath of office



and will not divulge any information received by him except for the purpose of giving effect to the Act.

Alberta, in 1970, introduced similar legislation; and that statute, in section 19, says he shall maintain secrecy in respect of all matters which come to his knowledge or to people working for the Ombudsman within the scope of their employment.

I am paraphrasing these things. There is a subsection 2 to section 19 of the Alberta legislation allowing him to disclose, if he in his opinion feels something should be disclosed.

That, Mr. Chairman, is the only purpose in having that in the bill we are debating here today. The member for Downsview (Mr. Singer), in his private bill, has the same type of section; it is shown in his bill as section 7.

I think the draftsmen of this type of legislation recognize there must be confidentiality and that the Ombudsman must be bound by the legislation under which he operates and that it must be settled in the statute.

With the greatest of respect, I suggest and submit very strongly that it is not there to circumscribe the powers of the Ombudsman or to shroud in secrecy the activities of this government or any ministry within it. It is there primarily for the protection and privacy of the individual subject who sees fit to bring a matter or matters to the attention of the Ombudsman. That's all I can really say on it, Mr. Chairman.

**Mr. Renwick:** Mr. Chairman, I have never accepted the argument, which is the minister's argument, that repetition in other statutes—when it is simply a direct steal from particular statutes of other jurisdiction—makes it correct for this assembly to pass it. I may say it may have some minor persuasive force.

We are not speaking about the confidentiality or privacy of the citizen. What we are speaking about here is whether or not we are prepared to have the Ombudsman swear the oath of office in a way which will accord to him the respect to which his office is entitled without at the same time facing him with a serious problem about whether or not he can report.

I know, as well as the minister knows, that the Ombudsman, if he has any respect for his office, is not going to be divulging matters with respect to the privacy of citizens unless there is an overriding public interest for him to do so. We are always faced with that situation. There are many situations in

which the privacy of the individual is breached because of the overriding public interest.

There cannot possibly be any way by which once a citizen has indicated clearly there is a matter of complaint he cannot then rely upon the Ombudsman to take whatever action is required, limited, of course, for the purpose of protecting that citizen. To suggest for one single moment that this is a limitation to protect the citizen is a misreading of what is in the statute. What this is is a limitation on the Ombudsman's capacity to report to this assembly as an officer of the assembly. Either you have respect for him or you don't have respect for him. If you don't have respect for the office you are creating, you leave the qualification in. If you do have respect for him, you take it out. I don't think we need to be repetitious about the argument.

**Hon. Mr. Clement:** I can't share that argument. The fact that I am remaining very silent over here, Mr. Chairman, is not to be presumed by the member for Riverdale as condonation or approval of the principle as he puts it.

The respect of the office of the Ombudsman, I suggest, is not the matter we are debating here; it's whether by statute he shall be precluded from disclosing, except those matters that he includes in his report, those matters which in his opinion he feels should be brought to the attention of this House. I think that is the nub of it. I can say nothing further about it.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I want to make one further comment. We were defeated the other night about the capacity of the Ombudsman to make reports from time to time to this assembly if he saw fit to do so. We were defeated on that amendment.

Now we are being asked to further circumscribe the capacity of the Ombudsman by saying that by the very oath administered to him, we will restrict him in such a way that it will affect the nature of the reports which he can make, even in the very circumscribed way set out in section 22(4) in the situation in which he is not satisfied that any action is going to be taken, he has discussed it with the Premier and then he lays the report before the assembly on the matter as he thinks fit.

That report is going to be the circumscribed report which you are imposing on

him. You are going to be able to say to us that we are not entitled to anything else, we are not entitled to any further explanation; the most limited explanation possible is all that this assembly is to get.

We will say, "Why can't we have a full and complete explanation?" Why? Because of the oath which you in this assembly administered to him and you circumscribed of your own volition, in this Assembly, the very jurisdiction that you are granting to him.

That is the way it will work. That's the way government secrecy has always worked. That's why the bills are modelled on the New Zealand bill, the Alberta bill, and now on the number of other bills which have been passed. It's natural that it would be so. The long history of executive secrecy, and the inability of a private citizen to get anywhere near it, is being breached in a minuscule way; and the executive, having to move because of the need for such of an office, immediately clams up and imposes the limitations which both in law and in the wording of this statute are going to so circumscribe him that it will not be possible for him to function in the way in which it is intended he should function.

The committee divided on Mr. Renwick's amendment that section 13 of Bill 86 be amended by deleting everything after the word "office" in the fourth line, which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 30; the "nays" are 45.

**Mr. Chairman:** I declare the amendment defeated and section 13 carried.

Section 13 agreed to.

**Mr. Chairman:** Are there any other comments, questions or amendments prior to section 17 to which the minister has an amendment?

**Mr. Renwick:** Yes, section 14.

**Mr. Chairman:** Section 14; the member for Riverdale.

Order, please.

On section 14:

**Mr. Renwick:** Mr. Chairman, may I direct the minister's attention to section 14 and the companion section, section 21, subsection 1, items (b) and (c)?

I am concerned, as a matter of the drafting of the statute, that section 14 is a flat statement without any qualification as to the

application of the Act or the non-application of the Act to judges or to the functions of any court or "(b) to deliberations and proceedings of the executive council or any committee thereof." Yet in subsection (c) of subsection 1 of section 21 it is only those matters related to the proceedings of the executive council or of any committee of the executive council which relate to matters of a secret or confidential nature and would be injurious to the public interest.

I take it that the Attorney General would have to make a determination before he certified as to whether or not the disclosure of proceedings of the executive council—as distinct from its deliberations—would be relating to a matter of a secret or confidential nature and would be injurious to the public interest. If the Ombudsman receives such a certificate he is precluded from inquiring further; that is what I take the section to mean.

I am concerned that if section 14 simply states this Act does not apply to deliberations and proceedings of the executive council or any committee thereof, without any cross-reference to the exception in item (c) of subsection 1 of section 21, as a matter of interpretation all matters related to the proceedings of the executive council or of any committee of the executive council would be protected from the operation of the Act. That is my specific concern; perhaps the minister would respond to it.

**Hon. Mr. Clement:** Mr. Chairman, my understanding of the two sections referred to by the member is that under section 14 the two functions are excluded, i.e. the courts and the deliberations and proceedings of the executive council or any committee thereof.

Section 21 is there because in the course of his investigations, the Ombudsman may well be dealing—and in many instances will, of course—with other ministries of government. As he involves himself in his investigations it may be necessary for him to find out some of the proceedings carried on in cabinet. He may find cabinet minutes in a file or request a file which contains cabinet minutes which by themselves at the cabinet level would be excluded.

If the minister or the official says "I can't release this because it does deal with disclosing proceedings of the executive council," the Attorney General has to take a look at it to see if it is contrary to the public interest. If so, he certifies it to be such and that is the end of it. If the Attorney General refuses to certify it, of course, it must go forward to the Ombudsman.



There are, as I see it, two distinct areas: The one set forth in section 14 and then the ones coming under section 21, which would be very directly related to decisions made at cabinet. I don't think we are questioning the court thing. As I understand the member's concern, it is the proceedings and deliberations of the executive council that he turns his attention to.

**Mr. Renwick:** Mr. Chairman, I guess I haven't made myself clear. I would have assumed that if you are going to have the qualification in item (c) of subsection 1 of section 21, regarding the non-disclosure of only those matters relating to the proceedings of a committee's executive council that are of a confidential nature or are injurious to the public interest, that section 14 would have been written the same way. So that section 14, in my view, would have had to read that this Act does not apply (a) to judges or to the functions of any court; or (b) to deliberations of the executive council; or (c) proceedings of the executive council or of any committee of the executive council relating to matters of a secret or confidential nature and would be injurious to the public interest. I am simply saying that item (c) of subsection 1 of section 21 is in conflict with section 14, item (b); and that section 14, item (b), would override item (c) of subsection 1 of section 21.

**Hon. Mr. Clement:** My understanding, Mr. Chairman, is that the necessity of (b) in section 14 is that the decisions made in the deliberations of the executive council would not be subject to the scrutiny of the Ombudsman.

**Mr. Renwick:** No problem.

**Hon. Mr. Clement:** No problem on that. As a result of certain deliberations of the executive council, minutes to that effect or directions to various ministries, and so on, would be sent forward to the ministry involved. In the course of investigating something in the ministry involved, let's call it, the Ombudsman may well want to see the authority in which the minister or an official acted, and the official may have some qualms that this is breaching his oath of office. Then, this would involve the role of the Attorney General who would in most instances say: "Look, it doesn't matter, it's not secret, it's not confidential; and it's more in the public interest that the thing be disclosed, so go ahead."

But I think that someone has to make that certification and the Attorney General has been selected as the one to make that. So

that section 14 really relates to the discretion and the judgements made within the executive council chamber. Section 21 relates to the documentation, if they are of a secret and confidential nature. If they are and are injurious to the public, then I presume the certificate would be issued by the Attorney General stating that it's not in the public interest, that they are, of a secret nature and should not be disclosed. If they don't meet those qualifications, then I don't see how the Attorney General could issue a certificate and the Ombudsman then would be at liberty to delve right into the very door of the executive council. I just see the two distinctions.

**Mr. Chairman:** Shall section 14 carry?

**Mr. H. C. Parrott (Oxford):** I'd like to ask the minister a question, if I might. Perhaps I am out of order, since I don't know the legal significance of this as well as I should, but I know it's a question in the minds of many lay people: If a particular judge has a strong bias towards a particular law, either for or against, and he is lenient or very stringent in his judgement, is that beyond the duties and scope of the Ombudsman to question that judge?

**Hon. Mr. Clement:** Yes.

**Mr. Parrott:** Is there any other place where that particular judge's decisions could be challenged? In the appeal court, yes; but having done that, there is no further appeal?

**Hon. Mr. Clement:** Mr. Chairman, it depends on the nature of the offence you are appealing. We'll take a capital offence which can find its way from the trial into the court of appeal for this province and then on to the Supreme Court of Canada.

There are other matters that are what we call summary matters—say careless driving. It would move from a provincial court judge hearing it to a county court or district court judge hearing it as a trial de novo. It is not new evidence but the same evidence or additional evidence is introduced at that time.

I know of no judicial process in this province that does not allow for at least one appeal. In some instances, such as murder, there can be two appeals—that is two levels of appeal.

If a judge decided that he didn't like a certain offence—for example careless driving—and regardless of the evidence before him always found an excuse to acquit, the Crown attorney in that area would be obliged to carry on those appeals which he felt were given as a result of the judge's bias. I am



sure that it would only be a very short period of time before the court of appeal would make it amply clear to that judge that he was in breach of his oath if he had exhibited that bias in his judgements.

When a judge takes his oath of office, he swears that he will adhere to the theory or the policy of what is called *stare decisis*, or, that is precedent. It means he will be bound by the decisions of higher courts. If he's not, then he's in breach of his oath. Should he continue in that vein, then depending on what type of a judge he was—whether he was county or Supreme Court—it could lead to his being impeached.

I know of no judge who would say, in spite of the law of the land I'm going to find it this way because I happen to believe in this sort of thing. Judges are called upon to rule in matters in which they have, I'm sure, personal biases. They find certain matters very repulsive for moral, ethical or religious reasons, but they still apply the law of the land.

Sometimes they apply it in error, and that's why we have courts of appeal; to correct those errors, hopefully. Sometimes the court of appeal may be wrong, and that's why we go to the Supreme Court of Canada. Up to 1949, it we didn't like it there we went to London, England, and had it dealt with by the Privy Council.

I don't really think that you would find any judge in any common law jurisdiction in Canada who said in spite of the law, I'm going to call the shots this way. There is machinery available to review a judge's conduct and it would be most unprofessional and most unethical and most unlawful to have it otherwise. Judges have little biases and they will sometimes show them, but not really to the root of the matter that's being deliberated before them.

**Mr. Parrott:** I won't pursue that at any length. However, had that same person, rather than an appointment to the bench, been appointed to the OMB, his actions would then be subject to scrutiny by the Ombudsman, is that correct?

**Hon. Mr. Clement:** Yes.

**Mr. Parrott:** Right. So I think it is a common feeling that you might be wise not to have a certain judge hear a particular case. Let me give you two illustrations. One might not be so prevalent today as a few years ago, but certainly it would be thought wise to have a divorce action heard outside of a particular judge's jurisdiction, because he

might have been more lenient toward the same kind of evidence.

That's sort of a subjective statement. I accept that, but it is very difficult to prove. Nevertheless I think you might agree with me that frequently that feeling exists. If he goes to the OMB, on the other hand, he might be very opposed to high rise buildings or whatever. We know they have their biases.

My point is that the same man might have gone either route; appointment to the OMB or to the bench. In one case his actions are subject to scrutiny by the Ombudsman, and in the other instance they are not. I think that in the minds of the people, certain judges do have a bias. Since we exclude them in the bill from the actions of the Ombudsman, we give rise to the feeling that the bench is above public scrutiny. I worry about that.

I know the explanation you have given is technically correct. However I think there are an awful lot of people who feel that once you are appointed to the bench, granted you have to work within the law, but when sentences are not mandatory the discretion is to a very marked degree open to the bias of the judge.

He's human, I understand that problem. Nevertheless I am not happy that we tend to continue the concept that once appointed to the bench there is no further scrutiny other than by peers.

It probably doesn't appeal very much to the legal minds of this House, but I see other professions now coming under the scrutiny of their peers and then a review board of lay people. I give you the Health Disciplines Act as a prime example of that. It seems to me we should consider if there is any way that improper judgement could also be reported by the Ombudsman; not just for judges but for the actions of the court. However, we have set them aside entirely from that.

I can't propose an amendment to you, Mr. Minister, but it seems to me that the people should have a way of coming at that through the Ombudsman.

**Hon. Mr. Clement:** I was just going to make an observation that I hadn't made earlier. There is in the Province of Ontario what is known as the Judicial Council. It is an advisory committee to the Ministry of the Attorney General. Its deliberations are held in private and it looks into the conduct of judges. It looks into the conduct of those who would aspire to be a judge. There is lay representation on that committee—

**Mr. Parrott:** Could I have the name of that committee again? Sorry.

**Hon. Mr. Clement:** It's the Judicial Council Advisory Committee.

Someone might indicate an interest that he or she would like to be a provincial judge, in the family or criminal division, for example. I get letters every week from people practising throughout the province indicating this interest. If a vacancy comes along in that area, I will submit the resume of that particular individual to the members of that committee.

I may be wrong, but I think the Chief Justice of Ontario sits on that committee, as well as the chief judge of the High Court, the chief judge of the county district courts, and the chief provincial court judge. I believe there is a Mr. Andres from Niagara-on-the-Lake—a layman—who sits on that committee.

I am trying to think of the people who sit on that committee. I write them privately and send these things on, and in due course an observation or a recommendation will come back. They are not always to the effect that this man is acceptable, but they don't indicate to me the reason why he is not acceptable. The reply says merely the investigation of that committee has indicated that that person, in their opinion, for one reason or another, is unable to undertake the responsibilities that he wants to share. It is called the Judicial Council, for provincial judges.

If the conduct of a provincial judge is such that a person feels aggrieved, or I as the minister feel that some of the commentary he has made both in and out of a courtroom are improper, I will refer it to the Judicial Council for their inquiry.

One of the mainstays of democratic process is an independent judiciary. The nub of the question you raise here is, how far do you carry that independence? All I can say in making a passing observation is that up to the present time it's been pretty good across Canada. I think the vast majority of the people who fill these roles, do so with a sense of responsibility. I've met many judges. I didn't like them all. Some of them I thought were very discourteous to me, but they were still fair.

This is really what we are talking about, applying the law and adhering to the rules. I would hate to think that one individual, be it Arthur Maloney or anyone, would have the power to step in and start to interfere with the administration of justice,

because the burden for that responsibility is set out in the British North America Act as that of the Attorney General in each province, not the Ombudsman. So I don't think we could have the Ombudsman really have jurisdiction, even if we wanted him to. We would, in effect, be trying to amend that piece of legislation.

I know of nothing else that I can say, Mr. Chairman, about the role of the judge. I think the law must be independent and it must be seen to be independent. People don't always perceive that. I'm constantly amazed at calls I receive from different people and constituents asking me to call up judge so and so, and tell him he should give more for people committing a certain type of offence. That would be most improper for me to suggest that to a judge. If I'm going to do that, I may just as well go run all the courts and be the judge for everybody.

**Mr. Renwick:** Mr. Chairman, the important distinction on the point you made, is that the Judicial Council, as I understand it, and it hasn't been in existence all that long, is simply to advise you in your capacity as Attorney General. That is why I'm glad the member for Oxford raised this, because strangely enough, the very point the member for Oxford has raised is part of the duties of the Ombudsman under the different judicial system in Sweden.

Of course he does not interfere with the conduct of the judge in the performance of his judicial function regarding the law. But certainly in Sweden, as I understand it, he has the same obligation with respect to the decorum in the court, the behaviour of the judge both in and out of the court, how he comports himself, and what he says. Not with respect to any particular case, but with respect to his reputation in the community, resulting from how he conducts himself or what he says both in and out of the court, how he comports himself, and what he says. Not with respect to any particular case, but with respect to his reputation in the community, resulting from how he conducts himself or what he says both in and out of the court which would lead you to believe, as Attorney General, that this reputation was affecting his capacity to operate independently as a judge. As I understand it, it is one of those sensitive areas where an Attorney General, in fact, would have to speak to the particular judge. The Judicial Council may have to act as a buffer between him and the judge, so he has some support and considered view before he simply calls each judge in on the carpet because a particular lawyer or



member of the public didn't happen to like the judge. But I think it is clear that what this bill is doing is reserving to the Attorney General his responsibility in the field of behaviour, decorum and deportment, verbally and otherwise, of members of the judiciary.

**Hon. Mr. Clement:** Yes. I want to make this clear if I may, Mr. Chairman. The Judicial Council I've been mentioning here earlier, applies only to provincial judges. That would be the criminal and family divisions. It does not apply to judges of the county and district courts of this province or judges of the Supreme Court of Ontario or the Ontario Court of Appeal. If their conduct came into question, as I understand, I have no role in this whatsoever. Then, there is some type of apparatus at the federal level which appoints these judges that could end up as I understand it, in the ultimate, leading to impeachment proceedings before the House of Commons.

I've only heard of one and that was probably seven or eight years ago and that didn't get quite that far. They may have introduced legislation since that time to give them powers of suspension or of discharging them from their judicial responsibilities. I know up to about eight years ago it was going to be by a debate of the House, in effect.

**Mr. Renwick:** Mr. Chairman, it's important that we be very clear upon this. You would have a responsibility with respect to the conduct within Ontario of a particular judge in relation to informing, say, the Minister of Justice—

**Hon. Mr. Clement:** Yes, but I'm not involved in the disciplinary aspect whatsoever, other than, maybe, being a party to initiating it or something like that.

**Mr. Renwick:** I think it's also quite clear that it would be as a result of your action, in the performance of your office as Attorney General. You might find yourself in the position of having to recommend an address of this assembly for the removal of a provincial court judge. I think, again, that is the ultimate method by which he would be removed; as, indeed, it would be the way in which the Ombudsman would be removed—by an address of this assembly. Am I correct?

**Hon. Mr. Clement:** That's my understanding, Mr. Chairman.

**Mr. Chairman:** Is section 14 carried?

**Mr. Renwick:** I want to speak a little further on section 14, because I want to be

clear on this section, and again on section 15 and later on, when we come to this section 21.

All I know about this problem is that it touches upon the two cases to which I referred on the second reading of the bill, the Duncan vs. Cammell Laird case and the Conway vs. Rimmer and another. I have read and reread those two cases—the second one, Conway vs. Rimmer and another, because it over-ruled the substance of the Duncan vs. Cammell Laird case. I have read and reread them and it would appear from a reading of those cases that no proceedings of the cabinet in the United Kingdom would be available.

As I read the Act of the House of Commons in England establishing the parliamentary commissioner, there is no exception in the British Act for the disclosure of any of the proceedings of the cabinet. I can't understand the nature—it's the problem I tried to raise as a drafting matter a few minutes ago. There are, in fact, some proceedings of the executive council or of a committee thereof which you could certify could be disclosed, under item (c) of subsection (1) of section 21. That is, documents which didn't relate to a secret matter or the disclosure of which was not contrary to the public interest.

The English Act states:

No person shall be required or authorized by virtue of this Act to furnish any information or answer any question relating to proceedings of the cabinet or of any committee of the cabinet or to produce so much of any document as relates to such proceedings. And for the purpose of this subsection, a certificate issued by the secretary of the cabinet, with the approval of the Prime Minister and certifying that any information, question, document or part of a document so related shall be conclusive.

I guess so far as this section is concerned, all I want to say is that I take it that in item (c) of subsection (1) of section 21, there is some kind of an exception which permits the disclosure of proceedings which do not relate to matters of a secret or confidential nature and that would not be injurious to the public interest, and you would so certify. Therefore those proceedings could be released. But the English Act, so far as cabinet is concerned—along with the Duncan versus Cammell Laird case and Conway versus Rimmer and another—seems to give them protection inviolate. I am curious as to why you have carved out the exception in item (c) of subsection 1 of section 21, but perhaps we can deal with it there.



**Hon. Mr. Clement:** Section 14 bars investigations of the court or its functions, or of the executive council. The Ombudsman cannot investigate any deliberation or proceeding of the executive council. He cannot investigate any function of the court or of a judge of the court. If you look at section 15, his functions are set out there and they are really quite simple to investigate.

**Mr. Renwick:** I see, right.

**Hon. Mr. Clement:** While investigating those matters over which he has jurisdiction, it's pretty obvious that at some time he may run across decisions or proceedings of the executive in the course of looking into the activities of a particular ministry. If in the opinion of the Attorney General he runs across any such documentation which is of a secret or confidential nature and it would be injurious to the public interest to disclose it, the Attorney General certifies that the document does not have to be delivered or released to the Ombudsman. As I read section 21, Mr. Chairman, I don't certify that it can be released. I only certify those which, in my opinion, for the reasons set out, cannot be released. That's my reading.

**Mr. Renwick:** Thank you. I think you have solved the problem that I originally raised on section 14 in its relation to section 21. I take it that because of the nature of this assembly as the government institution which is creating this office, the proceedings of this assembly and of its committees are not subject to any investigation by the Ombudsman, and that there is no need in the statute to so state.

**Hon. Mr. Clement:** That's right. We are supreme in this assembly.

**Mr. Chairman:** Section 14?

**Mr. Renwick:** No, again simply because I want to understand that you, as the law officer of the Crown, take the law to be as it is set down in Duncan versus Cammell Laird and in Rimmer and the other case stating that the deliberations and proceedings of the executive council or any committee thereof are inviolate insofar as the Ombudsman is concerned, and he cannot investigate.

**Hon. Mr. Clement:** I have not read that judgement and I would be hesitant to agree. I am not saying I disagree. I'd be hesitant to agree until I read it and understood it. With reference to the hon. member's question relating to the activities of this chamber, I point out section 15 which describes the duties of the Ombudsman:

The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting an individual [and so on.]

This House is not a governmental organization. Does the member agree with me on that? That is my interpretation of it—that this House is not a governmental organization, and therefore he would have no jurisdiction to inquire into the decisions of this House or indeed to enter into the discussions within this House, except those relating to his responsibilities.

**Mr. Renwick:** I would have taken the judges and the functions of the court not to be a government organization by virtue of definition. I agree with you that way, but I also agree on the other principle. I think that it is not necessary for it to exclude the Ombudsman from investigating this assembly because, by the sovereign nature of this assembly, he couldn't do it anyway.

**Hon. Mr. Clement:** No.

Section 14 agreed to.

On section 15:

**Mr. Renwick:** Mr. Chairman, section 15 is the operative section of the bill and there are some matters which I need assistance on in trying to understand it. Throughout the bill these words appear: "decision," "recommendation", "act done or omitted in the course of the administration of a governmental organization." I don't have any quarrel with those words. I think they are descriptive and inclusive. If they are not sufficiently descriptive and inclusive, then only over the course of time in the work of the Ombudsman would he find that those words don't pick up all of the kinds of maladministration that we are talking about.

However, I am very much concerned about the use of the word "affecting." I am not suggesting again that I know any better word. But let me express my concern. I think my concern is over the whole question of whether or not a person has standing with the Ombudsman. In other words, whether he is affected in such a way that he has standing to make a complaint must be one of the first jurisdictional questions that the Ombudsman is going to have to deal with. He is going to have to say to himself when he receives a complaint, is it from a person or a body of

persons—let me just skip the body of persons for a moment—who is affected?

I think that goes to the whole question of jurisdiction and goes really to the kind of questions which the courts often have to decide as to whether he has got standing to make a complaint. What bothers me is, if the Ombudsman transmits the language of the courts about the meaning of affecting or the meaning of standing, the Ombudsman is going to limit the kinds of complaints that he can deal with and the way in which it has been dealt with for the question of standing before the courts.

Let me illustrate what I mean. I happen to have an article that refers to this question of standing in the courts. This is the way in which this particular writer deals with it. Perhaps I could set it out and then come to the particular area that bothers me.

Of course, in this context I am talking about the right to have standing with the Ombudsman so that he will initiate the investigation which you as the complainant want him to initiate. The article says:

The conventional jurisprudence on the right to commence actions may be simply stated:

1. If the plaintiff is merely suing to enforce a right peculiar to himself, e.g., in an action for trespass, there is no problem of standing.

Let me set that one aside. I assume there will be many cases where it is clear that he specifically, as distinct from all other citizens, has been aggrieved by this particular act of the government organization and that therefore the Ombudsman is not going to have any question of jurisdiction because it is peculiar to the particular complainant and obviously relates to a matter which has affected him from a government organization. Then we go on:

If this complaint is of interference with public right, he may still bring his action if he can show that he has been especially injured.

I would take it that there are situations where a complainant may be one of a large number of members of the public—not part of the same organization or body, but a large number of persons who may feel they have been adversely affected by an interference with what that individual complaint takes to be a public right. As it is a public right there are obviously going to be any number of other people who may also be affected by it.

He would say, "They don't want to make a complaint. I want to make a complaint. The fact that there are many others in the same position as I am is irrelevant."

It seems to me that is one of the problems the Ombudsman is going to begin to run into from persons who make a complaint. They are persons who feel their public right as a member of the public has been interfered with by the administration, without it being simply and peculiarly a matter related to the individual.

It goes on to refer to the municipal taxpayer suing for a declaration. That is not appropriate for our purpose. It refers to company shareholders suing on behalf of themselves and other people in class actions and so on. Then it goes to the fifth class:

For purely public actions, where the rights of the public alone are at stake and no plaintiff can show an interference with his own private rights, the Attorney General must be the plaintiff. He can either bring the action by himself, ex officio, or can consent to his name being added in a related action commenced by a private citizen. Attorney General actions are used most commonly to restrain a public nuisance or to prevent a public authority from exceeding its powers.

It is that kind of problem which I think will face citizens who feel there is a public right to which they are entitled, or a public duty owed to them, as the public at large. It seems to me there are going to be situations where, everything else being within the jurisdiction of the Ombudsman, the Ombudsman is going to say, "I am sorry; you are not affected. You are not the person who can bring this kind of a complaint."

The analogy, and I think I made reference to it—I haven't got the case—I think it was Mr. Justice Lief in the Supreme Court of Ontario, who heard the case with respect to the sand dunes in Prince Edward county, as to whether or not the destruction of those sand dunes and the alienation, by the government by way of licence, of the right to dismantle those sand dunes affected this particular person who brought the proceedings in the Supreme Court of Ontario. The court held he had no standing to maintain that action.

It would appear to me to be not difficult to transpose that situation into a situation where a person as a citizen might feel himself



aggrieved by a decision of government with respect to some portion of the natural environment in which the particular ministry or the particular body or organization of government charged with the responsibility, was destroying that right. I assume in that kind of situation the Ombudsman would not have any jurisdiction. Again, the action of the ministry would not be subject to any review unless you could find a statutory right of review somewhere under the Statutory Powers Procedure Act or some action you could take under the Judicial Review Procedure Act.

I don't know whether I have made myself clear to the minister but it seems to me the very use of the word "affecting," even though it is not a term of art and even though it is a term of broad general usage, may still face the Ombudsman with situations where jurisdictional questions are going to be raised because he has transposed into his office the rules which have been developed in the courts on questions of standing.

I thought that perhaps the unanimous decision of the Supreme Court or Canada in the case of the Nova Scotia Board of Censors and McNeil would have thrown some light upon the question of standing, but try as I do to read the particular judgement and analogize it to the office of Ombudsman, I think it does nothing but illustrate the kind of problem.

If you transpose that situation to the Province of Ontario and say that a person feels that he is aggrieved by the Board of Censors under the Theatres Act of the Province of Ontario because of the prohibition of the showing of a particular show in one of the movie houses, and presumably if he made a written complaint to the Ombudsman about such a matter, the person alleging aggrievement being simply a member of the general public and not himself specifically adversely affected, as distinct from all other members of the public, the Ombudsman in a sense would have to tell that citizen: "I am sorry. You are going to have to go to the courts the way Mr. McNeil did in Nova Scotia."

Perhaps the minister could comment or we could have an exchange about that matter.

**Hon. Mr. Clement:** One needs status to litigate before the courts. A child cannot litigate before the courts except through a next friend or a guardian ad litem if he happens to be a defendant. A mental incompetent has no status in his own personal capacity before the courts. To initiate litigation

in the courts, there is an inherent litigation on the part of the plaintiff certainly that he or she will be responsible for costs in the event that his suit is unsuccessful. If the defendant has reason to doubt that the person is not substantial enough in a material sense to pay those costs, under certain circumstances he can of course obtain an order for costs prior to the commencement of the action to get security for the costs.

This is not the same type of thing. The Ombudsman is not concerned and should not concern himself with status. He should be in a position, and indeed will be in a position, to take complaints from mental incompetents, from people under the age of majority and from all those classes who for one reason or another could not on their own initiative, in their own single capacity, bring an action before the courts.

If he took the position of playing a judicial role in the sense of determining whether the person was or was not affected and came to the conclusion that the complaint from the citizen was indeed too remote, in that it has not really affected that citizen in the mind of the Ombudsman but the citizen has pointed out a bureaucratic decision or recommendation which really runs contrary to the principle of justice or fair play, then under the existing legislation the Ombudsman could of course initiate the investigation on his own. He doesn't need the intervention of the citizen to initiate it. Indeed, as I understand the Act, if he read of something in the press or heard of it on the radio or television and found that distasteful, he could initiate an investigation into it.

As for you analogy with the sand dunes situation, let's say that the executive council of this province came to a decision and directed that decision, as it does every week, to be carried out by a ministry of this government; and a citizen finds that decision to be adversely affecting him in his assessment, and comes forward to the Ombudsman and complains that he is an affected person. I would think the way it would work is, the Ombudsman would look into it and he would say to the Ministry of Natural Resources, if that happened to be the one carrying out the undertaking, "Why are you carrying out that undertaking?" If their response was, "Because we were directed to by the executive council of this province," that's where the matter would end. Because he cannot investigate the activities of the executive council to see if, indeed, it was a



fair or equitable or rational type of decision, because the ultimate responsibility has to be on the shoulders of government in any event.

So I don't really see it as a barrier. The Ombudsman is going to be able to interpret his own legislation the way he thinks is in the best interests of the people of this province. If he thinks the person is affected, fine, he undertakes the investigation. If he feels the person is not affected, but that, indeed, fair play has not prevailed, then he has the right, on his own initiative, to investigate it.

There will be areas that the Ombudsman simply will not have jurisdiction over. If a decision of any court is handed down and I am a person who is adversely affected, as an adjoining landowner or something, and I go to the Ombudsman, and say, "I don't like that decision. It adversely affects me," he just says, "I don't have the right to investigate it. My sympathy is with you, Mr. Citizen, but I can't do anything for you." That's the way I perceive it.

I would hate to think that we would ever have anyone filling the role of ombudsman in this province who says: "Well, now young man, let's see how you are affected. We have got to give you some kind of status in law in order that you can get here before me under this statute." I think this is the concern the member for Riverdale has. We don't want that to happen. You don't want it to happen either. I hope that just simply doesn't come about. I would think that the Ombudsman, whoever he or she might be—and I am speaking over the broad future period, not just the next 10 years—would take that attitude.

If he says that you are affected, that's good enough, and he initiates the investigation; because, really, who is going to stop him? I really wonder who is going to stop him. I think that's going to be the test. It's a very interesting point you bring up, very interesting indeed. I hope we don't get into this status situation, and I mean status in the legal sense, as we are understanding one another.

**Mr. Renwick:** I am hopeful that the Ombudsman-designate will read what's being said in the debate, because I think it's very important that he not feel constrained about questions such as, "Who has got standing to come to me with a complaint?" He should be open to hear complaints from any sector. He may have to decide ultimately that he hasn't got jurisdiction for other reasons, but

not for the purpose of initiating the complaint. Indeed, as I would see it, it may very well be, with the multitudinous numbers of proceedings that are available in the province in various situations—whether it is to a licensing tribunal or whether it's under the Judicial Review Procedures Act or under the Statutory Powers Procedure Act, or some other method; or to the courts directly—that in a sense, the job of the Ombudsman is equally not only to investigate complaints which are within his purview, but also to assist the citizen in selecting the proper forum within which his particular complaint can be investigated, if it can be investigated at all.

A second aspect of that, and one which bothers me, is—strangely enough, one of the bills which is on the order paper mirrors the problem, and we have done it in a number of other statutes—if it's by an order in council of the executive council of the Province of Ontario, say, with respect to granting a licence of public lands for the purpose of exploitation for the sands—using the sand dunes case as an example—then that presumably is entirely protected under the section which we have just passed, because it just doesn't apply to it.

The odd distinction which is going to crop up is that a number of the ministers have amended their Acts as a matter of administrative convenience to provide that, notwithstanding the Executive Council Act, such and such an agreement, if signed by the deputy minister or another person in his ministry, will be binding upon the Crown.

I notice in Bill 96 to amend the Ministry of Health Act, which is before us, that very same provision is now in one of the amendments we are going to be asked to approve. Under the Ministry of Health Act, 1972, the minister may "in writing delegate that power to a deputy minister or to any officer or officers of the ministry subject to such limitations, conditions and requirements as the minister may set out in the delegation." It goes on to say, "Notwithstanding the Executive Council Act, such an agreement has the same effect as if it was made and signed by the minister"—that is, it binds the Crown.

It would seem to me that if a complainant made a complaint with respect to such an agreement, the Ombudsman might find himself in the funny position of having to make one of these legal distinctions. He would have to decide whether it was an act of the executive council of the government of On-

tario by order in council, or one of these agreements which a minister has delegated to a deputy or somebody else to sign, and which has the same force and effect as if it were an act of the executive council.

This would bring about the strange situation where in the one case, as I understand it, the Ombudsman would be able to carry out an investigation and in the other he would have to say, "No, I can't." That seems to me to be a rather strange and arbitrary

distinction, if my analogy is correct. I raise it simply because of having noticed this Bill 96 provision to which I have just referred.

**Hon. Mr. Clement:** In view of the hour, Mr. Chairman, I would move the adjournment of the debate.

**Mr. Chairman:** I don't think you have to move the adjournment.

It being 6 o'clock, p.m., the House took recess.

## CONTENTS

**Tuesday, June 17, 1975**

<b>Acid spill at Port Maitland, statement by Mr. W. Newman .....</b>	<b>3055</b>
<b>Prevention of acid spills, questions of Mr. W. Newman and Mr. Handleman: Mr. R. F. Nixon, Mr. Lewis, Mr. Good, Mr. Bullbrook .....</b>	<b>3056</b>
<b>Immigration counselling, questions of Mr. Clement: Mr. R. F. Nixon .....</b>	<b>3057</b>
<b>Energy prices, questions of Mr. Timbrell: Mr. R. F. Nixon, Mr. Lewis, Mr. Bullbrook, Mr. Singer .....</b>	<b>3058</b>
<b>Pickering generating station, questions of Mr. Timbrell: Mr. R. F. Nixon .....</b>	<b>3061</b>
<b>Fees of Burlington doctors' group, questions of Mr. Miller: Mr. Lewis, Mr. Roy, Mr. Shulman, Mr. Singer .....</b>	<b>3061</b>
<b>Ambulance services, questions of Mr. Miller: Mr. Lewis .....</b>	<b>3062</b>
<b>Jailing of 16-year-old girl, questions of Mr. Clement: Mr. Lewis, Mr. Singer .....</b>	<b>3063</b>
<b>Cancer treatment at Ottawa hospital, questions of Mr. Miller: Mr. P. Taylor .....</b>	<b>3064</b>
<b>Windsor hospital reorganization, question of Mr. Miller: Mr. Bounsall .....</b>	<b>3065</b>
<b>Gravel licence application, question of Mr. Bernier: Mr. Lewis .....</b>	<b>3065</b>
<b>Purchase of railway land in Erieau, questions of Mr. Bernier: Mr. Spence .....</b>	<b>3065</b>
<b>Sudbury housing vacancies, question of Mr. Irvine: Mr. Germa .....</b>	<b>3065</b>
<b>Granting of bail, questions of Mr. Clement: Mr. Yakabuski, Mr. Sargent .....</b>	<b>3066</b>
<b>Ontario advertising in Times Square, questions of Mr. Bennett: Mr. Singer, Mr. Roy ..</b>	<b>3066</b>
<b>Payment of back wages to nurses' aides, question of Mr. MacBeth: Mr. Ferrier .....</b>	<b>3067</b>
<b>Aluminum wiring, question of Mr. Handleman: Mr. Deacon .....</b>	<b>3067</b>
<b>Territorial Division Amendment Act, Mr. McKeough, first reading .....</b>	<b>3067</b>
<b>County of Oxford Amendment Act, 1974, Mr. McKeough, first reading .....</b>	<b>3068</b>
<b>Municipality of Metropolitan Toronto Amendment Act, Mr. McKeough, first reading ..</b>	<b>3068</b>
<b>Stock Yards Amendment Act, Mr. Stewart, first reading .....</b>	<b>3068</b>
<b>Ontario Agricultural Museum Act, Mr. Stewart, first reading .....</b>	<b>3068</b>
<b>Report, Niagara Parks Commission, Mr. Bernier .....</b>	<b>3069</b>
<b>Mineral Emblem Act, Mr. Bernier, first reading .....</b>	<b>3069</b>
<b>School Boards and Teachers Collective Negotiations Act, Mr. Wells, second reading ...</b>	<b>3070</b>
<b>Ombudsman Act, in committee .....</b>	<b>3078</b>
<b>Recess .....</b>	<b>3090</b>







# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Tuesday, June 17, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159)



# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 17, 1975

The House resumed at 8 o'clock, p.m.

**Mr. J. Lane** (Algoma-Manitoulin): Mr. Chairman, I would like to take this opportunity to introduce to the House 35 grade 7 and 8 students from Spanish Public School in the great riding of Algoma-Manitoulin. This group is in the charge of Mr. Tyler and is in the east gallery. Would you give them a warm welcome, please?

**Mr. J. H. Jessiman** (Fort William): A great riding.

**An hon. member:** A great member.

## OMBUDSMAN ACT

(continued)

**Mr. Chairman:** The hon. member for Riverdale. Are we completing section 15?

On section 15:

**Mr. J. A. Renwick** (Riverdale): Yes, we're still on section 15. When we rose at 6 o'clock, we were considering the main clause in the bill which is before us, An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies.

We were discussing the clause which provides that:

The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity.

I had expressed my concern about the use of the term "affecting," and was concerned that there would be a transposition from the court or judicial system to the Ombudsman of the rules of standing which have been elaborated in the courts of Great Britain and applied in the Province of Ontario for some considerable period of time.

I want to put this on the record, because I didn't mention the particular case in which these matters were discussed, during the course of the discussion which the Attorney General (Mr. Clement) and I had before din-

ner. It was a rather colourful background of a case, the problems about who had standing to sue, and I was drawing the analogy between who had standing to sue and who had standing to make a complaint. This was the case of *Cowan v. Canadian Broadcasting Corp.*, reported in 1966, volume 2, Ontario Reports, on page 309. Leave to appeal to the Supreme Court of Canada was refused on June 13, 1966.

I was also referring to the recent unanimous decision of the Supreme Court of Canada in the case of the Nova Scotia Board of Censors and Gerrard McNeil, where the court decided that he had standing to sue.

I'm still not satisfied, as a person sitting in opposition, that I have clearly delineated all of the concerns which I have about the question of affecting, of what the word means and what it should be designed to mean. I think it is immensely important that the Ombudsman not only have a role of his own, but to the extent, and the limited extent—and, of course, that's been the thrust that we've had against the bill in its particulars—to the extent that the government has given him a role to play, he must have, in addition to that, a role which indicates quite clearly that he has the capacity to advise persons who make complaints about maladministration in the government or in the agencies of government. He must have the capacity to be able to tell people that, no, he doesn't have the ability to deal with their complaints because there are alternative procedures available to that person.

That poses, in my mind, really very serious problems. I may be completely out of tune with what's going on in the Province of Ontario, or in Canada, but the more that one thinks about it and the more that one understands what Mr. McNeil had to go through in order to find, not the substance of the discussion or the argument that he wanted to put—as to whether the Board of Censors in Nova Scotia could deprive him, as a citizen of Nova Scotia, of the right to see "Last Tango in Paris"—one wonders whether or not a government should put itself in the position that the only alternative is to do what Mr. McNeil had to do; and that was to sue in the court in Nova Scotia,

to go to the Court of Appeal in Nova Scotia, to go to the Supreme Court in Nova Scotia, not for the purpose of deciding the question about what was concerning him as a citizen of Nova Scotia, but simply for the purpose of determining the question of whether or not he had standing to bring the suit in the first place.

I guess every lawyer in the assembly and every layman in the assembly must know of the immense personal expense to which Mr. McNeil was placed in taking that matter to the Supreme Court of Canada, to be told, yes, he did have standing and now could the matter be proceeded with at the lower court. This is my understanding of the result of the case.

It's quite true that there were certain bows made to this proposition that now that he got this far, that if there was standing then perhaps they should deal with the substance of the case. But the fact of the matter was that they didn't deal with the substance. All they said was, yes, he had standing to bring the case.

I would be very upset, and I'm quite certain that every member of the assembly would be extremely upset, if the only role the Ombudsman could play in the Province of Ontario for a Mr. McNeil in similar or other circumstances which could or could not be foreseen, would be for the Ombudsman to say that no, what he had to do was to sue in the courts on that question and then find that he is a private citizen.

I think the minister will recall that he was, but he wasn't suing in the capacity as an editor. He was an editor of a weekly newspaper published in Dartmouth, Nova Scotia. Then he had to go through all of this elaborate procedure and assume all of the expense which was involved despite the fact that he won in the first court, he won in the second court and he won in the third court. Costs were awarded in each case against the defendants in the original suit. It's strange to say that the government of the Province of Ontario was represented on the losing side of that case, but fortunately no costs were awarded against the Province of Ontario.

I think we would feel that somehow or other the Ombudsman was defective in his office if he couldn't protect a citizen who on every consideration had a reasonable case to make; he had standing; and that there was the matter of substantial public concern for which he was a representative of the public, but not in a class action sense. And, that the only recourse to the Ombudsman

was to say to him: "Well, look, I am sorry. I can tell you what to do. You should sue in the courts and carry it through to the Supreme Court of Canada and then await the decision."

My guess is that if Mr. McNeil has the resources to meet his personal legal expense—although he had won the case in all three layers of the courts on the question of standing and now reverting as he must on the basis of party to party cost as distinct from solicitor and client costs—for a most important issue that was being raised by a citizen, we are probably talking not far short of, well let's be terribly conservative, \$20,000 to \$40,000 or \$50,000 in legal costs. Certainly not less than \$10,000 and certainly far out of reach of what any ordinary citizen can afford to bear.

I would be very concerned if a man like Mr. McNeil, whatever the issue, raised the question that resulted in him not having available to him the resources of the Ombudsman in order to determine the question. Therefore, I understand the problem which such a case poses.

I don't think there is any question that it poses a serious problem for the individual citizen if, as was the case in the McNeil case, he was faced with the Nova Scotia Board of Censors, the Attorney General of the Province of Nova Scotia, the intervention of the Attorney General of the Province of Ontario, the intervention of the Province of Alberta and the intervention of the Province of Saskatchewan. On the other side of it, he was supported in his contention by the Attorney General of Canada and the Canadian Civil Liberties Association.

I don't think there is any question whatsoever that there are very few citizens who can afford, despite the conviction of their belief about the rightness of the cause they brought to the courts, to take that matter through the courts. So I am saying that as the correlative to this kind of problem—and this will be shown in the amendment I propose to move to section 15 in a few minutes—I think it is extremely important that the Attorney General of this province understand very clearly the ambit of the authority which he can exercise through the Lieutenant Governor in Council about those matters under the Constitutional Questions Act, which is Chapter 79 of the revised statutes of Ontario.

I don't think there is any question whatsoever that the courts don't like to be asked that kind of a question by the Attorney General. But let me say that we are not



talking just about the constitutionality. We're talking about the very wide ambit of the authority of the government of the Province of Ontario to raise issues of substantial nature themselves on their own initiative. I'm quoting from section 1 of the Constitutional Questions Act:

The Lieutenant Governor in Council may refer to the court of appeal or to a judge of the supreme court for hearing in consideration of any matter he thinks fit and the court or judge shall thereupon hear and consider the matter so referred.

Then it goes on to deal with, if it happens to be a constitutional issue involving the Canadian Constitution, he must give notice to the Attorney General of Canada and so on and so forth. But those are matters of legal procedure.

What concerns me is that a citizen of the Province of Ontario in a correlative case might say exactly what Mr. McNeil said. I shudder to think that we in this province would have the office of Ombudsman to tell the Ontario equivalent of Mr. McNeil that his recourse was to take it to the courts, and then go to the Supreme Court of Nova Scotia, then to the Court of Appeal in Nova Scotia, and then to the Supreme Court of Canada. Then find, that he has standing to be heard in the courts and then be referred back to proceed through all of the courts again to determine whether or not he had that kind of a right.

I'm sure the minister has read the unanimous decision of the Supreme Court of Canada in the McNeil case. It's an absolutely incomprehensible judgement to anybody but a lawyer. A good part of the judgement nobody would understand. It get's down to what it was all about toward the end and agrees that the man did have standing. But I can't conceive that that's what we're about.

I'm not suggesting for one single moment that a bill such as this bill need necessarily, in its initial instance, cover all of these problems. But I think it is most important that there be some authority somewhere by which an ombudsman has some other alternative in a situation like that. When I move the amendment which I propose to move I'm going to have to add it, because I didn't think of it until I had the opportunity to consider this matter during the dinner adjournment. I think it's going to be absolutely essential that the Ombudsman be the kind of man who can say to the Attorney General that this is a significant matter. And that he would ask the Attorney General to take on such a case. We all know how many times

the Attorney General has stood up and stated that while he is a member of the government, he has a separate and distinct role apart from that of member of the cabinet, a separate and distinct role in the performance of his public obligations for the administration of justice. I think that is extremely important. As I say, that was part of the deliberation which I had over the dinner hour.

I want to return, of course, to the anomaly, which I pointed out just before the adjournment, regarding the provisions of the Executive Council Act of the Province of Ontario. If the provisions of that Act applied by virtue of section 14 of that Act, which we dealt with and passed, the Ombudsman would be strictly out of court in dealing with it. But if provisions similar to those that appear in section 1 of Bill 96, which we will be debating later in this session, were to appear in the Act, it would appear to me on first flush that the Ombudsman could deal with it.

In the kind of situation I'm talking about it's not as if one can categorize agreements and contracts entered into by the Province of Ontario with respect to their impact on the citizens of the province as to whether or not they're signed on the authority of an order in council or whether they're signed under the authority expressly stated in the statutes of the Province of Ontario, such as the provision in section 1 of Bill 96, An Act to amend the Ministry of Health Act.

I just can't concede that that's a real distinction that should impede a member of the public from making a complaint and having that complaint examined by the Ombudsman.

The Executive Council Act, as is the case with all Acts which affect the executive of the government of Ontario, is extremely brief; but the Executive Council Act provides for the composition of the executive council and for their remuneration. Then, of course, in the constitutional sense which we in this party consider we're involved in with the creation of the office of the Ombudsman, it goes on to say:

No deed or contract in respect of any matter under the control or direction of a minister is binding on Her Majesty or shall be deemed to be the act of such minister unless it is signed by him or is approved by the Lieutenant Governor in Council.

So you have this strange anomaly. You've got three types of contracts. You've got contracts signed under the authority of an order in council—that is, with the approval of the executive council—and you've got contracts



signed by the minister, and each of those is equally binding on the Crown. But the only ones that the Ombudsman can investigate, if I read the statutes properly, are those which are signed by the minister because "governmental organization," as referred to in section 1 of the bill, deals only with a ministry commission, board or other administrative agency.

Then, as I say, we have an equivalent procedure, such as is set out in Bill 96 which we've debated and repeated on other occasions. If a citizen happens to lodge a written complaint with the Ombudsman that he's been aggrieved or "affected," as our language is—and I personally would prefer the word aggrieved"—by an act of a ministry, then the Ombudsman and the citizen are immediately faced with the proposition that there are three types of contracts.

One is authorized by order in council which, by virtue of section 14 of the Act we've discussed, the Ombudsman can't deal with and can't look behind because it's an act of the cabinet.

Secondly, we have an agreement signed by the minister which is binding on the Crown by virtue of the Executive Council Act; he can deal with that because that's an act of the ministry, and surely an act of the minister is an act of the ministry and covered by the "governmental organization" definition in section 1 of the Act. Then, thirdly, we have what is the prevailing mood of the government to delegate authority to sign agreements to the deputy minister or other officers in the particular ministry. And of course the Ombudsman, on my reading of it, could deal with those matters.

I think anyone would say, if one thought through the proposition, that no such artificial distinction should impede a citizen from making a complaint to the Ombudsman in order to have the benefit of an investigation by the Ombudsman, which is what is set out in section 15 of the bill. I'm quite sure that most of what I am saying may sound like immense gobbledegook to any people other than those of us that are enmeshed in the legal jargon of the game, but that's what this bill is saying. I think those are very serious problems about what we refer to as the circumscription or the limitations which the government, inadvertently or otherwise, is placing upon the office of the Ombudsman.

I'm not suggesting for one moment that all of these matters can be solved, as I say, when an initial bill is put before the assembly. But my understanding is that those propositions which I have put are correct.

The first proposition deals with an analogous situation. I'm not talking about analogous in the sense that some citizen is going to raise the same question, because most of us in the assembly saw "Last Tango in Paris."

In an analogous situation where a citizen raises a question, surely the Ombudsman's recourse, and the purpose of the bill are not simply to put a citizen to the expense of going through the court system in order to determine that kind of a question. I'm not going to repeat what I said. The report is available. It's a unanimous judgement of the Supreme Court of Canada with nine judges sitting, and rendered by the Chief Justice of Canada, the Rt. Hon. Bora Laskin. That's my first point.

My second point is that to the extent agreements of the Crown affect people, I don't think there should be arbitrary, irrational points raised with the Ombudsman as to whether or not the complainant has a legitimate complaint, depending on whether or not the agreement is under the authority of an order in council, signed by the minister under the authority of the Executive Council Act of the Province of Ontario; or signed under a power of delegation granted the minister by an Act such as the one we're considering, the Ministry of Health Amendment Act, 1972.

Perhaps I could stop at that point and ask the minister to comment on those aspects of my concern before I raise some other matters in connection with this section.

**Mr. Chairman:** The hon. minister.

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Chairman, when we debated the general principle of the bill, the member for Riverdale posed some hypothetical questions as to residency, if applicable, and perhaps citizenship. I don't remember that one in particular, but perhaps he mentioned it. What were the limits, if any, going to be and those types of questions?

Those things simply do not apply, because the Ombudsman is not really concerned with the status of the individual. But he must, under the first section of his function, determine if in fact the person has some right which has been infringed upon by a civil servant or by an officer of the executive council. He is not a substitute for the court procedure. We are not going to substitute the court system with the role of the Ombudsman—

**Mr. Renwick:** I agree with that.

**Hon. Mr. Clement:** And I am not suggesting that you are suggesting that either. I want to make that perfectly clear because the other night on leaving the House, after we finished this debate, I was met by a member of the media who wondered whether the Ombudsman, on learning of the commission of a crime, would attend at the scene and investigate. I suggested to him, as politely as I could, that he was misconstruing the role of the Ombudsman.

**Mr. Renwick:** He wasn't misconstruing it. He had never read it.

**Hon. Mr. Clement:** Well perhaps that was it, I don't know.

He thought that this was going to be a statutory superman who could do all things at all times without fear or hesitation, always looking after the rights of the individual.

I think the legislation has come into being in all of the jurisdictions to look after those dictatorial arbitrary decisions, made without feeling which abridge someone's rights; rights which may not be enshrined in legislation. The person perhaps has no recourse to the courts; it is just a matter of a bias or something of that nature, but really perversely affects the interests of the citizen.

The role of the Ombudsman is not to duplicate the courts or assume their role. His role is not to substitute his policy for that of the government, because the government has to live with its policies and will be tested from time to time, particularly during question period on the floor of this House, in interviews and in terms of general elections. So in the vernacular the Ombudsman is really a person who can cut red tape to assist the individual citizen.

Perhaps I am being naive. Perhaps the member for Riverdale is being much more realistic implying that the Ombudsman is going to say: "Now, you demonstrate to me how you are affected." But I have absolutely no fear or concern because, as I said before the dinner hour, if an inequity has been practised on someone in this province, even though it comes to the attention of the Ombudsman through someone else, surely he can take advantage of the section and initiate the investigation on his own motion.

As the member for Riverdale put it, the McNeil case was an issue which went through the Supreme Court of Canada, to determine if Mr. McNeil had standing, did he have status in a legal sense? It was really a matter pursued through the courts on a question of law. Now the matter having gone

to the Supreme Court of Canada, the decision having been made, it is now vested in the lower court to be tested on the merits.

I don't suggest for a minute that someone has to go through the very tortuous route followed by Mr. McNeil to determine if he has status. Surely he doesn't have to do that to have the Ombudsman look into his problem.

In response I pointed out that there was no qualification as to residency or citizenship or as to time, because if there were those qualifications then indeed we would be starting to get into status. Before the Ombudsman theoretically could talk to someone, I suppose he'd say: "Your residency, where do you live? Your citizenship, let's see your papers. How old is this complaint? How far back does it go?"

Once being satisfied that the complainant came within those theoretical statutory guidelines, he would say: "Now I can dig in and deal with your complaint because now you really have status."

I don't suggest the Ombudsman would say to him: "I can't really look into this inequity until you have resolved through the courts that you do or do not have status to bring your own type of action." I think the Ombudsman will not be dealing with the question of the law but with the matter on its merits, more on a fact than on law.

I surmise that if the Ombudsman perceives an inequity in the true legal sense—not on a factual basis but that the law appears inequitable—he will make his observations known to us. There may be little he can do about it. He may make observations about the Bail Reform Act or the Criminal Code, but there is nothing he can do even if everyone in this House unanimously supported it. But I am sure he will make his observations known to us.

Basically he is the champion. As we took common law, perhaps in our first lectures, we heard about the hiring of champions back in the Middle Ages, the mercenaries that would fight your battles for you. The Ombudsman here is that type of individual. He is the champion of the individual who finds himself confronted with the large wall of government and cannot seem to pierce it. But he is not here to carry law suits through the courts. The citizen can explore the possibilities of doing it individually or of obtaining legal aid or any other programme which is available to him; or he can take it up with the Ombudsman. If the Ombudsman perceives there is going to be a long legal battle,



then I surmise he will say that it is beyond his jurisdiction.

I have a regret to express here this evening. Two or three months ago while in Ottawa, I had an opportunity of meeting Mr. McNeil, but in another type of situation where he interviewed me. I was not aware that this was "the" Mr. McNeil, if I may use that description, until some weeks had passed by and I saw his picture in the paper. I wished that at that time he interviewed me I had known the role that he was then cast in, because I would have interviewed him.

I would have liked to have known what type of an individual he was to be so prompted. I'm not critical, I say that in a very charitable and positive sense about a person who took up the cudgels and who has gone through very tortuous and I'm sure expensive proceedings to have a matter determined. Of course it's conjecture at this point as to what the outcome will be, on the merits.

But in any event, I anticipate from the remarks of the member for Riverdale that he proposes to put forward an amendment to section 15. I don't know the form of the amendment or where it will fit in the scheme of things. Perhaps he might advise me as to what he anticipates doing with section 15.

**Mr. Renwick:** Mr. Chairman, perhaps I'm taking some risk, but I want to deal a little more with the McNeil case. I know that the Attorney General is being real and was not in any sense putting down Mr. McNeil. I think "the" Mr. McNeils—and I don't know him or anything about him—of this world are very important to our system of government. There are very few people who will take the trouble to put to the test some principle which is involved in a question relating to a provincial statute which had gone on for some considerable period of time.

This identical question could have arisen under the Theatres Act of the Province of Ontario. All I can really say is that my reading of the bill in front of us does not permit the Attorney General or the Ombudsman to take any course of action on behalf of that citizen. The bill is so drafted that it, in fact, prohibits exactly what I said is to be of an essential nature to the office of the Ombudsman.

I want for a moment to refer to subclause 4 of clause 15 of the bill. It says:

Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

(a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until the right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise for that right has expired...

Now, I think that the blanket provision of the Act, which I have just quoted, for practical purposes says to the Mr. McNeils of the Province of Ontario: "There is nothing that I, the Ombudsman, can do about your case until you have gone to the trial court and the Supreme Court of Ontario, to the Court of Appeal of the Province of Ontario, to the Supreme Court of Canada, until you have found that you have got standing. And then you come back and you go through the trial court of the Supreme Court of Ontario, the High Court of Justice, the Court of Appeal of Ontario and the Supreme Court of Canada, in order to decide the case. Or until the collective Attorneys General of the Provinces of Ontario, Nova Scotia, Saskatchewan and Alberta give up on the case, because they intervened."

Now, let's not fool around; that's what was involved in this particular case. And I cannot read item (a) of subsection 4 of section 15 that I have just quoted, in any other way.

So I think that part of the amendment—and I, again, make the usual caveat that I am not the legislative counsel. I am trying to convey the idea which I think has got to be adopted in the bills. We can't allow that to take place, because it only points out in extremis—if I could use an old Chinese term—the problem with which we are faced in this kind of a bill.

There has got to be an opportunity for the Ombudsman to say to the Attorney General: "Look, a Mr. McNeil of the Province of Ontario, or the Mr. and Mrs. McNeils of the Province of Ontario, or the Mr. and Ms. McNeils of the Province of Ontario, want to raise significant questions. Either I can raise them in my name as Ombudsman on their behalf, or you, Mr. Attorney General, must raise them under the Constitutional Questions Act."

I quoted the Act a few moments ago, which is a misnomer for the statute—that you can raise any question you want with the court if you want to make the effort to do it.

Now, I think that is a significant problem.



So my amendment relates to two aspects of the problem. That is, who can bring the complaint before the Ombudsman, which relates to subsection 2 of section 15 of the bill and an out clause for subsection 4 which, by way of a proviso, would permit the Ombudsman to take action, even though the citizen had not exhausted all his legal rights.

Before I move the amendment, because I don't want to be restricted to talking only about that particular amendment, may I put that to one side for a moment and turn to another question and ask the Attorney General whether or not my understanding is correct.

Subsection 3 of section 15 refers to the paramount power of the Ombudsman. This becomes extremely technical but very important in a legal sense, to my mind, and very important to the Ombudsman and very important to persons who are concerned about such boards as the Workmen's Compensation Board and the Ontario Labour Relations Board. Subsection 3 purports to override the privative clauses of statutes such as the Workmen's Compensation Board or the Ontario Labour Relations Board. My understanding of a privative clause is one which simply excludes review by the courts of any decision of a tribunal that has the benefit of such a privative clause. I think the two most notorious ones in the Province of Ontario are the Workmen's Compensation Board and the Ontario Labour Relations Board. Subsection 3 states:

The powers conferred on the Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

In other words, that gives to the Ombudsman in those statutes which confer that privative privilege on certain boards and commissions a power which the court doesn't have, if my reading of it is correct.

The problem that concerns me is not so much about whether my interpretation is correct but that I can't foresee what the result is going to be. That is all I am really asking the Attorney General, because one of the most invaluable little booklets from my point of view that was ever put out by the minister's ministry was the one issued in

February, 1972, prepared by David Mundell, QC, who, if my knowledge is correct, was an assistant deputy Attorney General of Canada. He is an extremely knowledgeable man. I don't know whether he is still with the ministry or not.

He put out a manual of practice on administrative law and procedure in Ontario after we had passed the Statutory Powers Procedure Act, 1971, the Judicial Review Procedure Act, 1971, and the related statutes, mainly that great long statute in 1971 called the Civil Rights Statute Law Amendment Act, which amended some 91 statutes of the Province of Ontario to give effect to the McRuer commission decisions.

I don't want anyone to underestimate what the government of the Province of Ontario, by posing in the Throne Speech and now under the aegis of the minister on introducing the bill to create the office of Ombudsman, believes itself to be doing or wants the people of the Province of Ontario to believe what it is doing. The Premier (Mr. Davis) introduced this bill on May 22. He made a statement about it at that time and introduced from the gallery the Ombudsman-designate. I want to, in direct reference to this particular manual of this ministry, prepared by David Mundell, refer to what the Premier said about the importance of those statutes and how this is a logical progression from those statutes in the development of the protection of the citizen in the province as an ongoing part of the McRuer recommendations. I quote in part from what the Premier said:

In 1971 this Legislature enacted the Statutory Powers Procedure Act, the Judicial Review Procedure Act and the Civil Rights Statute Law Amendment Act [He omitted one of them, of course—no, he didn't omit one. He didn't omit one. I apologize] which gave the people of this province the most comprehensive programme for the protection of individual rights within our society that has been enacted by any jurisdiction in our country. When these statutes were proclaimed, they brought into force a code of administrative law procedure which was designed to reinforce the rights of the individual in relation to the many administrative processes of modern day government within provincial jurisdiction.

He goes on to talk about the complexity and the reason for the appointment of the Ombudsman.

I say that to emphasize what you are

about in introducing this particular bill at this particular time, and I want to say to you that I want to understand, and our caucus wants to understand, what the relationship of the paramount power clause in subsection 3 of section 15 may be to statutes which have private clauses in them.

If I may, Mr. Chairman, I would like to interrupt my remarks for my colleague, the member for Stormont.

**Mr. G. Samis (Stormont):** May I rise on a point of privilege, Mr. Chairman? I thank the member for Riverdale for giving me this minute. I am very pleased to introduce a very special guest here in the gallery, my predecessor as representative for the riding of Stormont, the former Minister of Labour, the man who has just got out of hospital—and I think it is his first visit back here to the Legislature—I would hope you would all give a warm welcome to Fern Guindon.

**Mr. Chairman:** The hon. member for Riverdale will continue.

**Mr. Samis:** Some of them don't change, Fern.

**Mr. H. Worton (Wellington South):** Who is he referring to?

**Mr. Renwick:** Mr. Chairman, I refer to the Judicial Review Procedure Act of 1971, which was one of those important statutes, and I refer to the booklet which I have spoken about. I am going to have to come back to this at some particular length, because the Statutory Powers Procedures Act creates a substantial number of tribunals under various statutes by which people have due process procedures that they can go through if they were refused a licence or it's not renewed. That's part of the due process and that's excluded by the part of the statute to which I referred earlier, but this particular one, the Judicial Review Procedure Act, which applies to any statutory power—and that includes a large number of matters which are defined in that Act—particularly a statutory power of decision and certainly most of the boards and commissions.

So it really means, so far as I can understand it, that subject to certain limitations, subsection 4 of section 15 applies and the citizen must go through the various procedures set out in the statutes to which the Premier referred. But if you come back to the privative clauses, then you find that the privative clause, such as that which appears in the Labour Relations Act, and I know

there is a substantially similar one in the Workmen's Compensation Act, provides in substance as follows:

No decision, order, direction, declaration or ruling of the board shall be questioned or reviewed in any court and no order shall be made or process entered or proceedings taken in any court whether by way of injunction, declaratory judgement, certiorari, mandamus prohibition, quo warranto, or otherwise to question, review, prohibit or restrain the board or any of its proceedings.

That is a privative clause. So my question to the Attorney General is this. Does the paramountcy of subsection 3 of section 15 overrule the privative clause in the Labour Relations Act, the Workmen's Compensation Board Act, or other Acts of the Province of Ontario in such a way as to confer on the Ombudsman powers which are not conferred upon the courts because of the exclusions of the courts' jurisdiction under those privative clauses?

Now, I think that is a very significant problem, if my reading is correct. Because all of us in the assembly know that if we take a case for a constituent or another person to the Workmen's Compensation Board through the various stages of the appeal procedure, and we come to the end of the road and the board itself or the appeal section of the board makes its final decision then, under the statute as we knew it up to the time of this bill, that was the end of it. You couldn't go to the court unless you could show a denial of natural justice, which is extremely difficult, or on a technical legal problem.

Now, does subsection 3 of section 15 of this bill confer on the Ombudsman the equivalent power of a court with respect to those boards which have privative clauses? Or what is he then enabled to do after a final decision is made by the Workmen's Compensation Board?

I know I have overstated it. I know exactly that he doesn't have the power of the court, but he certainly has a power with respect to final decisions of the Ontario Labour Relations Board and with respect to final decisions of the Workmen's Compensation Board and other statutes which have privative clauses. I would appreciate very much if he would enunciate to me and to this committee the extent of that power and what he can do when Mr. or Mrs. or Ms. so-and-so is turned down by the Workmen's Compensation Board on a final adjudication of the claim on the grounds it didn't arise out of



or during the course of employment: What can he then do?

**Hon. Mr. Clement:** Mr. Chairman, section 15(3), as I understand it, is placed in there to preclude anyone from saying that the Ombudsman does not have jurisdiction under whatever investigation he has initiated—let's say the Workmen's Compensation Board since that's the one the member has touched on. It has been anticipated that after the final review, when everything is completed, should a matter come to the attention of the Ombudsman, someone then would take the position and say that he is functus because the final reviews have been completed and therefore the whole matter disappears forever.

Section 15, subsection 3, allows him to have jurisdiction to do certain things. He has not got the equivalent powers of the court and he hasn't got greater power than the court, so what can he do? The last day of appeal has gone by, or the appeal has, in fact, been heard and there is no other level of appeal, what can he do? He can turn his mind to section 15(1) and make a decision in his own mind as to whether he can investigate.

Should he investigate? Is the complaint which comes to his attention something which merits his investigation? Is it one that is without foundation? He has to make a decision at that point: Should he investigate?

Assuming that he concludes that he should, what happens as a result of that investigation? He cannot alter on his own initiative the Workmen's Compensation Board appeal process. He cannot vary it and he cannot reverse it.

As I understand it, Mr. Chairman, he must then turn to section 22. Subsection 3 of that shows what he can do if he has that opinion. If he determines after his investigation that the decision of that particular tribunal or appeal body, or the recommendation or act or omission of that body seems to be contrary to law, was unreasonably unjust, was a precedent, was wrong, was based wholly or partly on a mistake of law or fact—once he comes to that conclusion then he can make certain observations under subsection 3.

"If in any case to which this section applies the Ombudsman is of the opinion"—and I won't read it because we have it before us—that the omission, if that was the complaint, should be rectified or that it should be cancelled or varied or any one or more of those seven different subsections, then he shall "report his opinion and his reasons therefor to the proper governmental

organization . . ." He can make the recommendations he sees fit, and so on.

All that he can do from the time it first comes to his attention is to decide on the basis of the information put before him to cause an investigation to be made. The member is not suggesting, and I am not suggesting that he is, that the Ombudsman can on his own initiative vary the order, alter it, or send it, or allow it, or disallow it. He can take it under investigation and then make his observations at the conclusion.

I am sure some of the members here have looked, for example, at the schedule of complaints set out in the McRuer commission report on the Ombudsman that came to the attention of the parliamentary commissioner in New Zealand. I am not being facetious when I say this, but I don't notice any applications to the courts being refused.

I was thinking of the McNeil case which we discussed earlier. This sort of thing is really quite important, I am sure, to the average citizen. He looked into a question of whether an efficiency decoration should be awarded or not. This sort of thing is very important, I suppose, to the individual involved.

Time taken to respond to a complaint; employment of an over-aged officer; gratuity and re-engagement bonus; something to do with the importation of a motor car; duty on reconditioned engines—these are the sort of things that really affect, I suppose, 999 out of every 1,000 of us. Once in while an individual of the drive and motivation and tenacity of Mr. McNeil comes along and as a result what would properly be described as a very important legal issue will go forward.

I suggest that subsection 3 of section 15 is there so that the Ombudsman is not robbed of any jurisdiction because of the wording of a statute. It is there to remove that concern and he does have jurisdiction to investigate and that is as far as it goes.

I think that is all I can offer at this time, Mr. Chairman.

**Mr. Renwick:** Mr. Chairman, the minister is, if I may say so, coy on occasion. The creation of the office of Ombudsman isn't to provide a little honey on the rough edges of governmental decisions; it's to provide an institution of government in a constitutional sense, which will be with us for a long long time.

I agree that the great number of complaints will be matters on which a citizen feels aggrieved and upon which judgemental



values can differ as to whether or not he should feel aggrieved, or whether it's just a matter of annoyance. But the measure of the statute and the measure of the office is the extent to which the statute will provide the ambit under which he can operate.

I don't believe Mr. McNeil is a nut. I don't believe that a Mr. McNeil doesn't exist in the Province of Ontario; I hope there are a lot of them.

But my understanding of subsection 3 of section 15, as confirmed by the minister, is that the decisions of the Workmen's Compensation Board and the decisions of the Ontario Labour Relations Board, which have formerly been excluded for consideration of review by anyone, will be now open to investigation by the Ombudsman; not for the purpose of reversing, altering, amending or confirming the decision of those boards, but for the purpose of reporting under the provisions of subsection 4 of section 22. I just wanted to make certain that that was so.

I don't know—perhaps the minister knows—in how many statutes of the Province of Ontario there are privative clauses; those are the two notorious ones. There may be a substantial number of other ones which exclude the jurisdiction of the courts. But I think it's interesting to note that the government of the Province of Ontario isn't reinstituting the jurisdiction of the courts, but it's substituting the investigation and report procedure of the Ombudsman after those decisions have been made. Does the minister know how many boards or commissions have those privative clauses?

**Hon. Mr. Clement:** I'm advised by legislative counsel that there are very, very few—perhaps three or four; that's all. I am not personally aware; I don't personally have that information.

**Mr. Renwick:** Certainly those two are the ones which are generally known.

**Mr. J. E. Stokes (Thunder Bay):** Get some Tories in here, eh? There're only three. We don't want to call a quorum to get the members in.

**Mr. J. R. Smith (Hamilton Mountain):** Some under the gallery.

**Mr. Renwick:** Mr. Chairman, I've dealt now with subsection 3. I have spoken about—oh, sorry.

**Mr. A. J. Roy (Ottawa East):** Mr. Chairman, may I ask a question on section 15, subsection 3, a point raised by my colleague?

**Mr. Chairman:** The member for Riverdale is still on 3.

**Mr. Roy:** Yes, that is why I want to talk about it, while we are on this subject. I thought the point he raised was an excellent one, and it was something worthwhile to get on the record. And that was the fact that the powers of the Ombudsman to investigate are not impeded or stopped by these types of privative clauses in other statutes.

Would the minister go further and say, for instance, that in the course of the investigation the Ombudsman can call upon officials of a ministry to co-operate and to give him information, and so on? This is in a later section—I think in section 19 and section 20—when he can ask individuals. I don't know if it means to compel an individual, but it states here: “. . . may from time to time require any officer, employee or member of any governmental organization who in his opinion is able to give any information . . .” I won't read it all.

Could the minister advise whether, for instance, individuals within these ministries could use the privative clauses of their Acts—whether it's Workmen's Compensation, Labour Relations, or otherwise—to say, “Fine, you're not stopped from investigating, but we have a statute with a privative clause which states that our decision is final. Therefore, there is no compulsion for us to co-operate with you”? In fact they can rely on the privative clause.

You see what I mean. In one statute it says the decision is final and cannot be reviewed. In another statute, in section 15, subsection 3, it states “notwithstanding any provision of any other Act,” and he can go on and review and investigate in a limited sense. As you pointed out, he is not a court and he can't overturn a decision, but I think you will all agree that if he makes a recommendation chances are, by legislation or otherwise, his recommendations could be important.

My point to the minister is, are you satisfied that it is clear enough under the legislation that no civil servant or officer can say, “Look, I don't think I have to co-operate because our decision was final. It is clear under our statute,” and so on? I think it would be important, Mr. Chairman, that we get that clearly on the record. My point is, he has the power to investigate but perhaps can't, because very often he is going to have to rely on evidence that he gets from these departments and these officers. So I would like the minister, Mr. Chairman, to

state clearly—it's a follow-through from what the member for Riverdale has raised—first of all, that he is not stopped from investigating and, secondly, that officers cannot rely on the privative clauses in other statutes to refuse to co-operate or refuse to release any information.

**Hon. Mr. Clement:** Well, without going through all of them, I turn the member's attention to section 14 of the Venereal Diseases Prevention Act. It says:

Every person engaged in the administration of this Act shall preserve secrecy with regard to all matters that may come to his knowledge in the course of such employment and shall not communicate any such matter to any other person except in the performance of his duties under this Act or when instructed to do so by a medical officer of health or the minister and in default he shall in addition to any other penalty forfeit his office or be dismissed from his employment.

Now I suppose we could explore those Acts, to which that sort of thing applies—the Revenue Act and so on—but I would think that most of them, and I am no expert in them, use words to the effect, "except in the course of his employment," and that being in the course of his employment he is not being asked a question by the Ombudsman as to what he did to his home or some activity he participated in outside of government. He would say, "With reference to the decision involving John Doe, citizen, and so on, what happened? What can you tell me? Do you have any correspondence? What did he say to you? Were there documents put into your possession? Did you have medical reports?" or whatever they might be. In the course of his employment he would respond to the Ombudsman or suffer certain sanctions for failure to co-operate with the Ombudsman.

So I don't think we really have to concern ourselves. I really can't see a great career carved out for a civil servant who says: "You are not catching me on that. I am not answering anything." Can you imagine a civil servant being called into the minister's office and the minister says, "Say, did you check into the medical file of John Doe under this Act?" and he says, "I am not telling you anything. I can't discuss it?" That to me isn't even realistic, so I don't really think it will be a burning concern.

In what little literature I have had available in dealing with the office of Ombudsman in other jurisdictions, I have never really perceived any—I can't even recall any—prob-

lems being resolved into the written word, as to problems that jurisdictions have run into with this sort of thing that we are discussing here now under section 15 (3).

**Mr. Roy:** It is interesting, as an aside, I suppose, that you picked up that section of the Act so quickly. I am not presupposing—

**Hon. Mr. Clement:** I worked for the ministry 25 years ago.

**Mr. Roy:** When—25 years ago?

**Mr. T. P. Reid (Rainy River):** I thought that was your favourite Act.

**Hon. Mr. Clement:** If it wasn't for me he wouldn't have had silver nitrate in his eyes, probably.

**Mr. Roy:** Who has got silver nitrate in his eyes?

**Mr. Reid:** That is the one you are most familiar with anyway.

**Mr. Roy:** You are the one wearing sunglasses around here. I see your point that no civil servant would suffer the wrath of his minister on any sort of directive from the Ombudsman, and I suppose we are talking about a very small percentage. With legislation, we are always looking for the exception which causes chaos at some time. You know, when legislation has worked well for a period of 10 years, all at once you run into an exception.

Having drafted section 15, subsection 3, would you not think it wise to follow through in that section and state—I don't have the wording right here—all government departments or officials and so on must co-operate under section such-and-such, notwithstanding privative sections or notwithstanding any provisions of any other Act? Just to make it clear within the legislation?

I can see a situation in which all you need is one guy who is going to challenge it through the courts and you get these two conflicting views. He says, "I'm relying on this privative clause"; and the Ombudsman is saying "I'm replying on section 15(3)" and they are at loggerheads. I would have thought, when we are drafting legislation and examples and problems are raised, such as those the member for Riverdale has raised, we not only make it clear in Hansard what our intention is—unfortunately that has often happened and the courts are apparently prohibited from looking at Hansard to interpret certain legislation.



**Mrs. M. Campbell (St. George):** Certainly they are.

**Mr. Roy:** It has always seemed weird to me that we have that provision and that is why we have to make our decisions or our intentions very clear.

**Mr. Reid:** We are not sure where the minister has been for dinner, I guess.

**Mr. Roy:** We have to make our intentions very clear in the legislation. Mr. Chairman, I would encourage the minister if that is the intent—and I'm sure it is—to make it clear in the legislation.

**Mr. Chairman:** The member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** On this same point, Mr. Chairman, about what decisions can be looked into and what can be reviewed by the Ombudsman, does this apply to the decisions of the Public Service Grievance Board? What power, according to this section, does the Ombudsman have or not have with respect to the decisions of that board? Let us say someone feels they are aggrieved and the proper steps are not followed by the ministry, which would follow from the decision of that Public Service Grievance Board. Or perhaps a subsequent court is very critical of the way in which the procedures of the ministry took place in getting that employee before the board. As far as I can determine some rather anomalous situations have occurred before the board, such as their not having a transcript of the hearings before that board; I gather they have now moved to correct that. What role will the Ombudsman be able to play with respect to the Public Service Grievance Board?

**Hon. Mr. Clement:** The Public Service Grievance Board being a creature of this government, the Act would apply and the Ombudsman would have jurisdiction. The Ombudsman would take a look at section 15 if he had a complaint which related to that particular board. He would determine, after he heard the complaint, whether he should or should not make an investigation. If he decides he should not, on the merits of the complaint, that is the end of the matter. If he decides he should make an investigation he would carry one out.

Having carried it out, he has to do something at the end of that investigation. He could find the complaint ill-founded, but assuming he found it had some kind of merits he would turn his mind and his paper

to section 22 of the Act which sets out the procedure after the investigation. Subsequently he would make his recommendation that the matter be rectified—if that was the conclusion he came to; or that the matter should be referred to the appropriate authority for further consideration, if that could be done. Or he could recommend—I say recommend, not order—that the decision should be cancelled or varied and so on.

There are seven situations available to him there and the same thing would apply to his looking into the Workmen's Compensation Board or the Commercial Registration Appeal Tribunal or the decision of the Superintendent of Insurance; any one of these things. As a matter of fact I will just send this over to him if he will undertake to give it back to me. Would he just take a look at the nature of some of the complaints the equivalent of the Ombudsman in New Zealand handled, and the results of them. Many of them were not justified, and many of them were rectified. One can see the great variety of things that particular individual had to look into for that year.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I wanted to clarify the meaning of subsection 3 of section 15. I believe I now understand what the intention of the ministry is. I would like to think the ministry understood what they were doing at that time.

I would like now to move the amendment to section 15.

**Hon. Mr. Clement:** Have you got a copy?

**Mr. Renwick** moves that section 15, subsection 2 be amended as follows:

The Ombudsman may make any such investigation either on a complaint made to him by any person affected or by any member of the Legislature upon a complaint made to the member by any person affected or referred to him by the Attorney General or of his own motion.

And further that subsection 4 be amended to add thereto the following proviso:

Provided the Ombudsman may conduct an investigation, notwithstanding that the person aggrieved has or had such a right or remedy if satisfied in the particular circumstances it is not reasonable to expect the person aggrieved to resort or have resorted to it.

**Mr. Chairman:** Would the member for Riverdale like to speak to the amendment?



**Mr. Renwick:** I may just speak to the motion. I think it will be clear what the intention of the amendment is. What I would intend by it.

Subsection 2 of section 15 simply states that the Ombudsman may make any investigation of the type provided in subsection 1—which is the guts of the bill—either on a complaint made to him by any person affected or his own motion. All I have done is add to it, in the light of the remarks which I made before, two additional persons who can make or refer a complaint to the Ombudsman. One group is any member of the Legislature upon a complaint made to the member by any persons affected or referred to him by the Attorney General.

**Mr. Roy:** Why don't you just take the word "affected" out?

**Mr. Renwick:** I don't want to. We discussed that earlier and if the member for Ottawa East wants to amend it that way that is fine. My point now is the question of who can make the complaints. I think it is most important that not only can any citizen be able to make the complaints but because of the nature of the office I think that a member of the assembly should be able to make a complaint to the Ombudsman if a complaint is made to him by a person who is affected. I think in the light of the McNeil decision and in the light of the number of complaints that the Attorney General must of necessity himself receive—because in a funny sense I think the Ministry of the Attorney General probably is the receptacle of any number of complaints about various matters—that the Attorney General should be able to refer a matter to the Ombudsman as well. And of course the Ombudsman should be able, of his own motion, to make an investigation. Whatever variation on that theme is necessary, I would be quite happy with.

The Act in the United Kingdom, of course, provides the alternative route, which is simply that the complaints can only originate with members of the House of Commons. We're not asking or suggesting that that should be the provision, but I am quite certain that any number of the members of the Legislature know very well that if their constituents have a legitimate problem, they are of themselves anxious to proceed with but are reluctant to proceed with it on their own, they would be quite happy to have the matter referred under the auspices of the member of the assembly.

I think there are very substantial reasons to believe that one of the roles of a member

of the assembly that all of us know about is the fact that we act in that particular capacity to protect people who are our constituents from aspects of aggrievement or concern of irritation about the acts of government.

It would also appear to me that the Attorney General, in proper cases which come to his attention, should be able to say to the Ombudsman: "Look, I, as Attorney General, not as a member of the executive council, but as Attorney General of the province, even though I know this is not a matter where the person has a problem in the courts, I want to be able to say I think this is something which would be useful for you, the Ombudsman, to deal with." I think it is an opening, a widening and an understanding.

I would think that my colleagues, the member for Nickel Belt (Mr. Laughren) or the member for Sudbury (Mr. Germa), might very well run across situations where people are fairly reluctant to raise problems. It's all very well to say, "Oh, well, if the person is really concerned, he should want to raise it himself"; but it's not all that easy. People are very concerned about what they're going to get themselves into or what they're going to be involved in about these matters, and yet they feel strongly about them. It's in the interest of government that people should not harbour a sense of dissatisfaction, irritation and frustration because only they can raise the question.

Now I understand that the Ombudsman is designed to relieve a part of that concern, and I don't think for a moment that my amendment would swamp the Ombudsman. I don't think for one moment that every member of the assembly is suddenly going to try to dump on the Ombudsman all of the problems which he himself as a member knows he can try to deal with. But I do think it is a most important avenue, because I think we would be unrealistic in those situations if we didn't realize that the private member of the assembly, be he on the Conservative backbenches, in the Liberal loyal opposition or in the New Democratic Party opposition—

**Mr. Stokes:** Even the independent from Rainy River.

**Mr. Renwick:** —doesn't have some leverage in a very correct and proper way with respect to acting as intermediaries in problems which arise with our constituents.

So far as the second part of my amendment is concerned, I noted the extreme instance of the McNeil case in order to point

out what we're about. It shouldn't be every situation where everybody has to exhaust all of their remedies, either under the statutes or in the courts, before the Ombudsman can say enough is enough. That's why I introduced the amendment to subsection 4 that provided the Ombudsman may conduct an investigation, notwithstanding that the person aggrieved has or had such a right or remedy, if satisfied in the particular circumstance that it is not reasonable to expect the person aggrieved to resort or to have resorted to it. So that citizen is not forced into this interminable and endless problem as to whether or not he can outwait the whole of the institutionalized system before a legitimate problem can be dealt with.

There is good precedent for that. As usual, I don't claim there is any originality in anything I ever do.

**Mr. Reid:** How about your speeches? Some of your speeches are highly original!

**Mr. Renwick:** It simply is the same provision which is in the Parliamentary Commissioner Act of 1967, section 5, of the British Parliament. It has almost exactly the same qualification, but it did add the proviso that the commissioner may conduct an investigation, notwithstanding that the person aggrieved has or had such a right or remedy, if satisfied that in the particular circumstances it is not reasonable to expect him to resort or have resorted to it. What a coincidence of language.

**Mr. Reid:** Purely coincidence.

**Hon. Mr. Clement:** What legislation was that in?

**Mr. Renwick:** The Parliament of the United Kingdom; The Parliamentary Commissioner Act of 1967. It's an out clause, a remedial clause. I think it should be perfectly acceptable clause; the Ombudsman is not going to use it except in the sense in which it would appear in the statute. Yet there must be many cases where he says it's unreasonable to expect this particular citizen to pursue that particular remedy.

Let me give you an example. There was a court decision quite recently dealing with an interdepartmental decision originating in the Ministry of Community and Social Services. It involved a person who was mentally retarded or disabled and concerned whether or not in a particular situation he was or was not entitled to a particular allowance. It was extremely technical and the court over-

turned the decision. I think it was a divisional court and the case was under the Judicial Review Procedure Act.

I think that's an unusual course for a person to have to follow. I think, similarly, there would be other examples in connection with the Board of Review, say, of the Ministry of Community and Social Services. I'm not putting the Board of Review down. I'm simply saying that they have difficult questions to determine, involving whether or not a person is or is not disabled and there is a Medical Review Board to determine that question.

There are also the questions which have come up recently as to whether or not a person is employable or unemployable, and the determination as to whether he gets general welfare assistance or is to be covered under the GAINS programme. There are any number of those kinds of decisions which many of us run into as members.

I don't think it should be suggested that in specific difficult cases the only recourse the Ombudsman has is to say since that's the exercise of a statutory power of decision, you must take the matter to the divisional court under the Judicial Review Procedure Act. That's my reading of what the statute requires.

There must be any number of cases like that where the Ombudsman can do the kind of takeout which is necessary if equity is to prevail, rather than the strict rigours of the court procedures which must be exhausted if the statute is to stand the way it is before any other determination can be made.

I am sure all of us can multiply any number of such decisions. I am quite certain that at some point in time someone is going to raise in the courts the question of whether or not a particular person should be refused Ontario Housing, or whether or not a particular person should be in this scale of acceptance within Ontario Housing; rather than the way in which we all presently operate, which is a sort of leverage, kind of Tammany Hall operation against the system; about which we know very little, including the criteria on which the decisions are made about the allocation of public housing.

It seems to me there are any number of those areas, and I am not suggesting the amendments which I have proposed either to subsection 2 or for the additional proviso in subsection 4 will solve all of them. But it will give a little area within which the equity of the situation can be dealt with by



the Ombudsman. In a very real sense, I think that equity is very important to that office. I am sure any number of members could multiply the kinds of examples that I am talking about. I think it's extremely important that you consider seriously the acceptance of amendments along these lines to this particular provision of the bill.

**Mr. Chairman:** The member for Rainy River.

**Mr. Reid:** Thank you, Mr. Chairman. I rise to support the amendments as put by the member for Riverdale. It seems to me we are back to the fundamentals of the bill, which is primarily one of accessibility to the Ombudsman for the people he is supposed to be dealing with.

I think it should be an obvious fact that members of the House should be able to refer matters to the Ombudsman and that he, with that reference, should be able to deal with them. We talk often about what our responsibilities are here. Obviously, it is to pass laws, to raise and spend money, to service our constituents by way of information and to act within the purview of our ridings and the province as mini-ombudsmen, I would suppose, for want of a better term.

I would think the principle of accessibility to the Ombudsman is one that should be enshrined much better than it is in the bill. We have had the debate earlier on this matter. I don't think it probably bears repeating at this time, except to say that the Ombudsman's time and discretion are protected under section 18 of the Act where he decides under subsections 2 (a), (b) and (c) if the complaint, whether it comes from the individual that's involved or directly affected or whether it is referred to him by a member, is frivolous, justified, vexatious or whatever. The Ombudsman has that discretion, but at least the members of the House themselves have the opportunity to refer this matter directly to the Ombudsman. My colleague from Ottawa East is going to propose an amendment that will give the accessibility to the Ombudsman even wider latitude than the amendment proposed by the member for Riverdale.

As regards the amendment to subsection 4, it seems to us there is great merit to the amendment, as put again by the member for Riverdale. I come from a riding that is not well served, I say to the Attorney General, the Solicitor General and the Provincial Secretary for Justice—

**Mr. Stokes:** We will change that.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): We had nothing to do with that.

**Mr. R. G. Eaton** (Middlesex South): That is what your constituency says, it is not served well.

**Mr. Reid:** Well, you know, it may be it is not served well by me, but when people consider the alternatives they think it is well served indeed.

**Mr. Roy:** He has no problems at all.

**Mr. Reid:** But in any case, what I was about to say was that we are not particularly well served by the judicial system, for a number of reasons, some of which I won't go into, but primarily perhaps because of the distances involved and the fact that we are underserved by the number of lawyers that we have in the area, by the accessibility to those people and the accessibility to the courts; and perhaps the way the courts are run in that area.

In many cases, the people do not have the obvious accessibility to the courts to receive or to apply the remedies that are set out in section 4 of the bill. Not only the courts; my friend and colleague from Riverdale, mentioned the Board of Review of the Ministry of Community and Social Services, and one can go through almost every ministry where they have these review boards. Well these review boards sit very infrequently in the northern part of the province, and I can assure you in the northwestern part of the province, and particularly in the Rainy River district, the Kenora district—and I can't speak for my colleague from Thunder Bay, but in his area, too—because the people are not available; they will not travel from Toronto, where most of them are positioned.

So not only can the average citizen in our community not avail himself of the remedies that may be available through the institutional structure, but in fact those institutional structures are not available in most parts of the province, and in my part of the province particularly.

The other argument that the member for Riverdale put forward is a completely valid one, to my mind. I have a lot of people in my riding who are immigrants, a number of people whose English is not of the best, a number of people who do not understand either our legal system or our quasi-judicial system through the number of appeal boards and review boards that we have under Work-



men's Compensation, Social and Community Services, and all the other government departments.

They do not understand the system, they do not understand the quasi-judicial apparatus that they have to go through and they are intimidated by what is available. I could give you chapter and verse of people who come to me and say, "What do I do?" I say, "You should do this"; and they say, "I don't want to do that. I don't understand it, I am afraid of it," and so on.

I say to the Attorney General, this is a very real problem, not only in my part of the province, but also for many people who live in Metro Toronto. They are intimidated by the system and they don't understand it, but if they are able to approach the Ombudsman—either through the member or directly—and say, "I am sorry, I don't understand this system. I can't wait that long for relief and redress," they should have that opportunity.

Again, I would think that under at least section 17, and particularly section 18 of the Act, the Ombudsman has the opportunity in his discretion to say: "All right, this is how we are going to proceed." But without the amendments as proposed by the member for Riverdale, they don't have the opportunity to bypass many of these quasi-judicial bodies and, in some cases, because of the length of time involved and the impediments that are put in their way, they are not going to have the accessibility to justice that I think is essentially what we are striving for under the Act.

I would recommend to the Attorney General the amendments as put forward by the member for Riverdale. I would remind him once again that I think it is essential that what we are aiming at is for the accessibility of the Ontario resident to justice under this system, and that these amendments will go some way to providing that justice.

**Mr. Chairman:** The member for Sudbury.

**Mr. M. C. Germa (Sudbury):** Mr. Chairman, I would like to say a few words on the amendments proposed by the member of this caucus. I believe it is unrealistic to have the legislation drawn so tightly that you have to follow such a narrow and precise pattern in order to approach the Ombudsman.

When I take section 15 into consideration with section 17, which says that every complaint to the Ombudsman must be in writing, I wonder if the minister realizes just how inhibiting even section 17 would be. Maybe he doesn't really realize or understand just

exactly what that means. For this constituent to have to lay down his complaint in a written form and submit it on his own to the Ombudsman would just be a formidable task. It would appear to be just as formidable as approaching the government, or any other government agency.

What I see here is a repetition of another institution which, while not an arm of this government, is a quasi-judicial body which controls the medical profession. I had the unfortunate experience of not checking the legislation after having received a complaint from a constituent who lived in the city of Sudbury and who had recently arrived from Algeria. He was not too knowledgeable about the English language, even though he and I could converse in a fashion and I did get the message from him after trial and error.

He asked me to lodge a complaint on his behalf following the death of his child as the result of malpractice. I knew enough about the system that I had to go to the Royal College of Physicians and Surgeons. So, I did, in fact, lay down, in chapter and verse, after spending several hours with this immigrant, detailing to the Royal College of Physicians and Surgeons what the complaint was that he was trying to get them to inquire into; which happened to be the death of an unborn child.

Lo and behold, I get a letter back from the Royal College of Physicians and Surgeons which says that this complaint must be lodged by the individual himself; that they cannot, through an intermediary such as me, cause an inquiry to take place.

Upon informing my constituent that he himself would have to sit down, write a letter and sign it himself, he threw up his hands and said, "It is impossible for me to do that." First of all, he is an immigrant, newly come to this country, he hasn't got that much command of the English language, and also he didn't understand the procedure that he was going into. Even though I, as a layman, was quite innocent as well, at least I knew a little bit about the responsibilities and jurisdictions of the Royal College of Physicians and Surgeons. So we had to fake the letter, and apparently this is going to have to be done as far as the Ombudsman is concerned too.

In this instance, the one I am talking about, I wrote a letter to the Royal College of Physicians and Surgeons in a different tense and asked the man to sign the letter. It was I who addressed the envelope and supplied the stamp, and to all intents and purposes it was still I who had lodged the

complaint, even though this constituent had signed the letter. It was I who wrote the letter, it was I who knew where to go, and all he did was affix his name to the letter.

So you are, in fact, not really being honest when you demand that the complaint must come from the individual himself. I think you must allow an MPP to be an intermediary and I think you must also consider allowing a complaint to be lodged verbally as well, because there are certain illiterates in this province and there are those people who come from another country who do not have command of the language.

I would also hope that the other section of the amendment would allow the Ombudsman to participate in appearing before these quasi-judicial boards, because even approaching these boards is a fearsome prospect for some constituents to think about. Not only should the Ombudsman review the case after the constituent has been to the board, I think he should also participate in the hearing before the board. While it is not as onerous as appearing in the courts, there is certain work and certain evidence that has to be sorted out in order to prepare a case so that the constituent can, in fact, receive a fair hearing from these boards. The two most notorious ones, of course, are the Workmen's Compensation Board and the provincial Board of Review. There is certain preparation that has to be done. The average constituent, who doesn't understand exactly what the law provides for, does certainly need assistance. I think the avenue of access to the Ombudsman has to be much more relaxed if this legislation is ever going to serve the purpose as a public defender. The way it is now, Mr. Chairman, I can very well see myself receiving complaints as the result of frustration of a constituent going to see the Ombudsman. The same frustration he is getting now at bureaucratic governmental departments is the same frustration he is going to get when he faces or approaches the door of the Ombudsman's office. I think that we are really not in business to create more frustration for the constituent. The Ombudsman is the public defender and should make it easier for the citizen of Ontario to get justice before governmental bodies. Any tightening up of approaches that demand it be in writing and that it be by the person himself, I think is inhibiting and detracting from what the principle of a public defender is.

**Mr. Chairman:** The hon. member for Ottawa East.

**Mr. Roy:** Yes, Mr. Chairman, my colleague from Rainy River has mentioned that we would support this amendment, or both amendments as far as that goes. He talked about accessibility to the Ombudsman and I fully agree with what he is saying. In fact, I would move even further. I will be moving an amendment, Mr. Chairman, which very simply moves that we just take out of that subsection 2 the word "affected" regarding the Ombudsman making any investigation either on a complaint made to him by any person or on his own motion. I can't really see why you wouldn't accept this amendment that I will be moving; in fact, maybe I should give it to you now.

**Mr. Chairman:** Maybe there are some other speakers who wish to speak on the amendment before you put a sub-amendment in. Are there any other speakers—

**Mr. Roy:** No, but I want to continue speaking on this, if I might, because either way I would like to see some widening of that section.

I have not been able to detect the minister's reaction as to why he would not allow this amendment or my amendment.

It seems to me, Mr. Chairman, that the Ombudsman is in a position to have some flexibility in dealing with these complaints. In other words, if they are trivial, if they are not made in good faith or if the complainant has not a sufficient personal interest, the Ombudsman has all sorts of flexibility to accept, reject or do whatever he pleases with the complaint.

Why would you restrict—I would like the minister to address himself to this—the legislation to just the person affected or on his own motion? As one of the previous members mentioned, I suppose we are going to go into a little charade, because if I was to call the Ombudsman and tell him about a particular case, he might move on it and say really I didn't receive a complaint from anybody else. I am going on my own motion. I suppose we could start playing that sort of a charade. But it seems to me, Mr. Chairman, to the minister, that the amendment as proposed to subsection 2, is very sensible.

As I said to the minister, I would go even further—why don't you just take the word "affected" out of there? Then you have total, complete flexibility that the complaint can be made by an individual, by his member of the Legislature, by a federal member or whatever. And then the Ombudsman can at that point deal with good faith, and can deal with the substance of the complaint.



It seems so logical when we are dealing with the Ombudsman. It's so consistent with the approach of setting up this office that we should in no way restrict people in having access to the Ombudsman. I am saying to you that section, as phrased, is not that restrictive. We are going to have to start playing games to get the Ombudsman to investigate, and I say let's open it up completely and then have full accessibility to the Ombudsman.

In relation to the second amendment I'd like the minister to answer this question. I take it that even though one individual had a right of appeal or other rights in the courts or whatever, once that right has expired, or once he's missed a right, the Ombudsman can step in anyway. I take it that's what that section is supposed to mean.

Secondly, what the section means, basically is that the Ombudsman is not empowered to act at a point where an individual has an alternative remedy.

It reminds me of the old cases we used to read about. There were special rights of certiorari, habeas corpus and the others. where it said, that if you had a right of appeal, you couldn't resort to these extraordinary remedies. The courts used to talk about this, and it seems to be this approach here.

But I think the amendment as proposed by the member for Riverdale may well have some merit in talking about flexibility in legislation. It's an escape clause, it gives them more flexibility. I would think that in a general case where someone had made a complaint and the Ombudsman investigated he would say: "Hey, you have the right of appeal or you have a right of review, why don't you try to exhaust that right before I start getting involved in this?" I think he would generally say that.

Other members have mentioned situations where certain individuals in their riding might feel constrained by proceeding through the ordinary course of appeal reviews and so on.

I don't see why you would not accept this second amendment as well. I would encourage this minister to show some flexibility on this. I'm looking forward to your answer because I can't see why you would not accept at least the first amendment. In fact my amendment, as well, to section 15, subsection 2.

**Mr. Chairman:** The hon. member for Nickel Belt.

**Mr. F. Laughren (Nickel Belt):** Thank you Mr. Chairman, I rise in support of my colleague's amendments, not surprisingly; I hope it's not a surprise anyway.

I won't apologize for being parochial, but I find in representing a large, scattered, rural—French-Canadian riding, much of it—that the people in those remote communities have virtually no one to turn to when it comes to resolving problems with government. Time and time again when I send out questionnaires I get no response or very little response at all, but when I visit the communities in person and hold public meetings, I get a substantial turn-out where people come to me with fairly significant personal problems, often with the government.

When I say to them on some occasions: "Look, is there any way you can detail that for me in writing with some of the receipts or whatever that you've got at home?" they throw up their hands, and say: "I couldn't." In some cases they couldn't even read the mail they did get. Many times I've had constituents come to me with letters from the Compensation Board for example, and say: "Can you tell me what this means?"

Mr. Chairman, it's not because the people in Nickel Belt are any less astute than the people anywhere else in the province, but merely that there is a different socio-economic, cultural mix in that riding than there is in a lot of Ontario.

I feel very strongly that if the legislation is left the way it is, it will indeed be intimidating for a large number of people in the Province of Ontario. I see no reason whatever why it cannot be amended as suggested by my colleague to make the Ombudsman and his services much, much more accessible to these people in Ontario. Thank you, Mr. Chairman.

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** Yes, I just want to, quite briefly Mr. Chairman, add my support for the amendment before us.

I just cannot see why we have to go through a charade such as writing a letter on behalf of our constituent, seeing that it's typed and having that constituent sign it in order to get the complaint before the Ombudsman.

I can assure the minister through you Mr. Chairman, that I come from a completely urban riding that doesn't have the problem that the previous speaker from Nickel Belt has mentioned—those of language problems and



those whose schooling, education and cultural background do not lend themselves easily to letter-writing. I come from a riding, a large portion of which is upper middle-class, very well educated and professional; the rest by and large, are associated with the auto industry, and most of whom have completed high school. Still, I run into the same problems. Many of my constituents are just not oriented to writing or reading letters.

It seems strange to those of us—all of us, I suppose—who get a foot and a half of mail per day, that there are some people who may get a letter once a week or once every two weeks. They are simply not oriented to communicating via the printed word. It is really beyond them to sit down and write a letter that outlines something with which they have quite an emotional involvement—an involvement that has caused a lot of problems and an involvement that causes them to have a problem sufficient to take to the Ombudsman. I could think of many people I have talked to over the last three and a half years, since being elected, to whom that would be a problem which really would be beyond them.

Again, from my contacts with some constituents and from the experience I have had, I can see that the problem they have is one that can only be reasonably solved by an Ombudsman. I know, from my own experience, that the solution to their problem is one which they would have great difficulty getting any justice done in any other way.

I can see myself in a position of saying to those persons that this is what they must do. I can see some of those persons saying: "What is an Ombudsman?" I can explain it to them very briefly, and they will say: "That's fine. What must I do?" I can tell them, "You now must sit down, put all your complaints in writing and send that letter on." I can see them being quite reluctant to do that. No matter what I would explain to them or how I would explain it to them, they would view it as simply another arm of the very government that has caused them the emotional problem they have, the financial problem they have, or whatever the problem is at that particular moment. So they are not likely to be too trustworthy.

On the other hand, they would be willing to take my advice as to what they should do with the case, but on the other hand they would be completely unwilling to take what to them would be a rather difficult and very frightening step in the initial instance.

If, in this legislation, one simply allows

cases to be brought forward by members of this provincial Legislature, directly to the Ombudsman on behalf of a constituent, I can see in many cases the whole idea behind the office of the Ombudsman being advanced and being what one has envisaged it to be—a post where a person rights the wrongs which have been done to the people of Ontario by an arm of government. One of those ways is going to be through members of this provincial Legislature. If that avenue is completely blocked off, then there are going to be groups of people in this province, for a whole variety of reasons mentioned by myself and by speakers prior to me here tonight—and no doubt after me as well—who will be completely cut off and not receiving that justice.

I urge the minister to accept this amendment from the member for Riverdale—or to come up with his own wording if there is a hang-up on that point—to ensure, by whatever means he wants to do it at this point, that the amendments which would allow members of this House to assist their constituents in bringing a problem to the Ombudsman can be part of this bill.

**Mr. Chairman:** The hon. member for Cochrane South.

**Mr. W. Ferrier (Cochrane South):** I would like to—

**Mr. Renwick:** I wouldn't bother speaking until the minister was paying attention.

**Mr. Ferrier:** Well, the minister and the member for Ottawa East are having a little confab—

**Mr. Renwick:** I think it is extremely rude, if I may say so.

**Mr. Roy:** What's your problem?

**Mr. Renwick:** I said I think you are extremely rude.

**Mr. Roy:** We were just talking about you.

**Mr. Renwick:** That's right—and the members are speaking.

**Mr. B. Gilbertson (Algoma):** Don't interrupt the minister.

**Mr. Ferrier:** Mr. Chairman, I would like to support the amendment of my colleague.

**Mr. Roy:** You are never wrong in the House, are you?

**Mr. Renwick:** My time in the House was broken for the minister.

**Mr. Roy:** Oh, come on.

**Mr. Chairman:** The member for Cochrane South has the floor. Order.

**Mr. Renwick:** I've never seen anybody so chauvinistic.

**Mr. Roy:** Chauvinistic?

**Mr. Chairman:** Order, please. The hon. member for Cochrane South has the floor.

**Mr. Renwick:** Yes, that is exactly what you were doing. You just walk across there and pre-empt the minister.

**Mr. Chairman:** Order, please.

**Mr. Roy:** We were discussing your amendment.

**Mr. Chairman:** Order.

**Mr. Renwick:** I don't care what you were discussing. This is a public forum.

**Mr. Roy:** You've got your nerve. Do you figure the House is only for you?

**Mr. Chairman:** Order, please. The hon. member for Cochrane South will continue.

**Mr. Ferrier:** Mr. Chairman, I would like to make a few comments about my colleague's amendment. This Ombudsman bill is supposed to help the people of this province who feel that things are wrong with the kind of decisions they've been getting from government agencies. Some of them are real; perhaps some of them may not be as big as they think. The bill would get these brought to the Ombudsman and get him to go to work on them and resolve them in one way or another.

A number of the older people of this province who have not had the opportunities to go to school and to get the sophisticated education that increasingly is being made available to young people today find it extremely difficult to sit down and write a letter and to put into words in some kind of logical way the particular thing that is bothering them. There are many who have worked in the lumber industry, or who have worked in the mines or this kind of thing, particularly in northern Ontario, who would find this very difficult.

Over the years, some of these people have established a very good personal relationship with their member of Parliament and have come to trust him and to feel that he is concerned about them as people and about their problems. They would feel, I think,

that they could go to him and discuss something quite personal and, perhaps, intimate in a relationship with government—

**Mr. Gilbertson:** You are their Ombudsman.

**Mr. Ferrier:** —and he would be in a position to channel that complaint or concern of theirs to the Ombudsman.

I would think that we should accept this amendment by my colleague. It would enable the Ombudsman to do the job for as many of the people of the province as possible. You'll probably say a lot of people can write a letter but there are many, many others who can't.

The member for Algoma says, "You're their Ombudsman." The Ombudsman will be in a position in some instances, to do something that we in the Legislature have not been able to do—to see some of the documents and to interview people in a fashion that we can't. He could resolve things that we're not in a position to do. If we have not been able to do it, and have bumped our head against what seems like a brick wall, but we feel that the Ombudsman should be able to do it, then I feel that we should be able to refer these people to him.

Some of the problems are of a fairly technical legal nature which takes all kinds of research. Some of us do not have access to that research or we're getting out of our depth. I think in these kinds of things, we should be able to refer through to the Ombudsman on behalf of our constituents. I would hope that the minister, to make this Act serve the people as widely and as effectively as possible, will see the validity of the amendment put forward here and will be prepared to make this concession to us.

**Mr. Chairman:** The member for St. George.

**Mrs. Campbell:** Thank you, Mr. Chairman. In the course of my remarks on this bill earlier, I pointed out I thought it was a grave mistake to cut the member of this Legislature out of this function. I don't see any reason we should not provide for the member to be able to present the complaints. There are so many reasons—and I am not going to cover all of them—why the member ought to be able to pass the complaint along to the Ombudsman, if we really want the Ombudsman to be able to function in a wide variety of cases.

I would also like to say, Mr. Chairman, that I would think if one reviews the situation as it may develop—and as the minister knows only too well from his experience—it might be very useful, perhaps in cutting



down the work of the Ombudsman, if this kind of relationship could take place. Certainly as one builds experience in the types of cases, the member of this assembly could be, it would seem to me, a very useful assistant, in a sense, to the Ombudsman in cutting down on cases which possibly didn't have any merit. I would think the Ombudsman could be enabled to function much more readily.

I make this appeal to you on the basis of all that has been said before and with that added note on the effectiveness of this office. There are many people who certainly will not proceed to any officer of government at least until this role has been functioning for quite some time. I find it's interesting that when older people or disabled people have a grievance they don't themselves actually come forward in many cases, even to the member. The only way you find out about it is by calling upon them and then you find they really didn't know how to go about it. Sometimes, even with the member, they think you are too busy for this kind of thing.

It should be something made available through whatever means—the member or the person or the Ombudsman. Once he gets going, perhaps on his motion, he certainly will be able to take up those cases like Workmen's Compensation Board cases and certainly those matters covering the review function. And there are those areas where, for example, if we left it the way it is now, we might have a reversion to that cynical practice of this government before, of forcing parents to proceed before the courts to remove from the court trust funds there on behalf of a child who has been permanently damaged.

Under the legislation as it is now, the Ombudsman might say very readily, "But you have your recourse to the court." If you go to court, the court may not determine that money should be released. I don't think that's the kind of case which should be forced upon someone or that one should have to proceed through the courts to try to work out something.

The same thing would function in the case of those pernicious orders of OHC, where we find them getting restraining orders ordering children not to enter their own homes on the pain of eviction by the parents because the child is out of hand. These kinds of cases should have the power and the authority of an Ombudsman long before it gets into any kind of court issue.

Mr. Chairman, I don't need to cover all

of the ground which has been covered so ably before. If we really mean this bill, we should make it as open as it can be to the citizens of this province either on their own or through their elected representatives in this assembly.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I want to address myself to a couple of matters. I'll try not to be in any sense repetitious.

I don't want the minister or the committee to think for one moment that somehow or other this is going to open up some kind of a sluiceway. I happen to have a document which is not all that up to date but was published in January, 1973, by the Central Office of Information, London, England, about the role of the parliamentary commissioner for administration in the United Kingdom, including Northern Ireland, during the period from 1967 to 1971.

By the end of 1971, the parliamentary commissioner had dealt with 3,987 complaints referred to him under the 1967 Act by members of Parliament. Those falling outside his jurisdiction numbered 2,390, which I'd like to come back to as a point to discuss; 292 were discontinued after partial investigation; and the remaining 1,305 were fully investigated and the results reported to the members concerned. Elements of maladministration were found in 231 cases. About half of the cases where maladministration was found involved the Inland Revenue.

I'm not going to go on with that. The figures are sufficient to indicate that, while the role is a very significant and important one, nevertheless the attempts by ourselves to enlarge the ambit or the scope of the work of the Ombudsman are not in any sense to make the role an inoperative one in the sense that the person will be submerged by the work which has to be done.

I'm indebted to my colleague, the member for Rainy River, for drawing to my attention the problem related to subsection 1 of section 15, which is not included in the amendment. I was raising the question of standing in the sense that that term "affecting" might mean whether the person had standing, because the provision of the clause requires that a person be affected in his personal capacity. It was the member for Rainy River who drew to my attention the provisions of subsection 2 of section 18, which permit the Ombudsman to rule out any complaint if the complainant has not a sufficient personal interest in the



subject matter of the complaint. I refer to that again because of the concern, which I expressed earlier in the debate on section 15, because of the limitation which it may very well impose in those situations where the person is simply a member of the public who feels aggrieved by a decision of a government organization, but cannot himself through the Ombudsman distinguish his personal interest as being a sufficient one in the subject matter to distinguish him from all of the other members of the public who may not have the same sense of grievance or concern which he feels about the decision.

That's simply an addendum to the remarks which were made earlier and I hope that the question of jurisdiction will not be one which inhibits the Ombudsman from carrying out his function. I think it was significant in those statistics which I quoted from the United Kingdom's operation for the four-year period ending 1971 that of the roughly 4,000 complaints, about 2,400 were decided to be outside the jurisdiction of the Ombudsman by the Ombudsman himself.

So, I think the question of standing—the question of whether a person is a person affected in his personal capacity by the decision—is one which is of extreme significance in the role which the Ombudsman is going to play. I think it is interesting that in Stroud's judicial dictionary the definition of the word "affected" — I made the reference earlier this afternoon without attributing it to that law dictionary—was that it is not a term of art but is a word of ordinary English usage. It was adopted in local government Acts early in the 19th century for the purpose of giving it the broadest possible scope and it was not to be constrained within narrow limitations. I do hope that the Ombudsman will not take the words of subsection 1 of section 15, and the power which he has to disallow a complaint under subsection 2 of section 18, to in any way be a constricting influence on his role.

If I may speak now to the second portion of the amendment—that is the proviso which permits the Ombudsman to conduct an investigation even though a person has not exhausted all of his remedies at law. I want again, if I may, to refer to the pamphlet put out by the Ministry of the Attorney General dealing with these various Acts which we have passed as consequence of the McRuer report—including particularly the Judicial Review Procedure Act. Apart from those exceptions to which I referred earlier concerning the boards that are protected by private clauses, it was the purpose of the Judicial

Review Procedure Act, as I read it, to eliminate all of those distinctions between judicial, quasi-judicial and administrative decisions which so bedevilled the whole study of administrative law, as you and I knew that topic.

I want to quote in the commentary by Mr. Mundell on that bill as follows: "The distinction between 'judicial' or 'quasi-judicial' powers and 'purely administrative' . . ." I simply say as a law student we can all understand how long we spent trying to figure out just what that distinction was between those three particular modes of decision of administrative tribunals. I carry on:

Power of decision is no longer a relevant consideration when commencing proceedings seeking judicial review. The application is in the same form by an originating notice no matter what the nature of the power may be, meaning that the applicant need only allege a ground that would have entitled him to relief under any of the former proceedings or coming within the enlarged grounds provided under the Act.

They are immensely large, not only in the definition of statutory power, which has four headings, one of which itself is statutory power of decision, and which is subject to a separate definition in itself, which is extremely large, to indicate to the minister that for practical purposes in almost every decision of a government organization which would be within the ambit of the Ombudsman under this Act he would be precluded—with those minor exceptions of those boards and commissions which are protected by a privative clause—from taking any step of any kind until the person had exhausted all of his rights of appeal, including, in its very broad language, the Judicial Review Procedure Act.

I would therefore urge that that particular subsection 4 be amended in the manner which has been set out in the proposed amendment to provide a wider ambit for it, in order to enable the Ombudsman in a justified situation to intervene, without requiring a citizen to exhaust all of his legal remedies.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Clement:** Mr. Chairman, in view of the hour, I don't wish to get started, if I can possibly avoid it, because there have been a good number of questions raised here tonight. I would rather start fresh when we next debate this matter and go through it

in the chronology in which I listened to it here this evening.

Hon. Mr. Winkler moves that the committee rise and report.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

### REPORTING OF COMMITTEE

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, in regard to the question that was placed before us before the orders of the day today, the consideration of the standing procedural affairs committee report in the votes and proceedings No. 27 of April 29, I would like to recommend this evening to the House that the standing committee hearing of Bill 100 on Thursday be granted permission to make their own determination whether or not the proceedings will be recorded.

And when one reads the recommendations, it might well save some time on Thursday in that the committee would not then have to return and petition the House for such permission. And I have discussed it with my colleagues on the other side of the House, who seem to agree with that particular recommendation.

**Mr. I. Deans** (Wentworth): If I may, just before you move the motion, I want for clarification purposes to make it clear that that would dispense with the need for the committee to return to the House to receive unanimous consent; that in essence the members present are in effect giving unanimous consent to the committee, if it is the committee's wish to have the hearings recorded.

**Hon. Mr. Winkler:** Yes. I don't see any difference in the recommendation that I put forward that they be given that particular power, that authority.

**Mr. J. R. Breithaupt** (Kitchener): I think that, perhaps, this being an opportunity for us to enter into a new, particular responsibility within the dealings of the Legislature, we should record as well the view of the official opposition that we are in agreement.

We have come to a conclusion, as the three House leaders of the parties, to follow this procedure in order to save time; otherwise the committee could not return to the

House and ask that consent until perhaps 3 o'clock or so Thursday afternoon.

If the committee is to otherwise meet at 10 o'clock, and if facilities are available and the committee then decides that it will record, as some of us hope will happen, it can be proceeded with forthwith. Hopefully, this will be a way of developing this procedure where the matter of special interest is considered by the House.

**Hon. Mr. Winkler:** Mr. Speaker, I appreciate that degree of co-operation that we have experienced as well. I would also like to say that I would recommend particularly in this case that the committee be empowered to sit concurrently with the House. I think that that would be acceptable.

**Mr. J. A. Renwick** (Riverdale): Mr. Speaker, if I may address myself to the question. I don't pretend to understand all of the intricacies of the procedural affairs committee. I refer to the votes and proceedings of the assembly on Tuesday, April 29, in which it was reported:

Mr. Morrow from the standing procedural affairs committee presented the committee's report which was read as follows:

Your committee recommends:

That the sittings of the standing committees, with the exception of standing committees considering estimates, be not recorded.

If a matter or bill referred to a standing committee is deemed to be of "special interest," the consent of the House must be given to have the deliberations of the committee recorded.

This was then placed on the order paper and on May 6 it was debated in the assembly. The report was accepted by the assembly.

My point of order, Mr. Speaker, is that if that is the report which was adopted, then the consent must be given by this House and it must be given now. If that has been given then there's no further determination to be made by the committee, as I understand the problem. There is no jurisdiction in that committee to make its own ruling, because we don't have authority to now go in the face of the report which has been accepted by the whole House on a recorded vote on May 6.

What I'm asking is why do we always get entrapped in this game of referring something back? If that's the report and if that's the decision of the House after a whole debate and a recorded vote on May 6, why isn't



the question simply put? Why don't we simply say: "Look, are we giving consent or not?" This is the House. It's still in session and it's quite entitled to make that decision. I think it's improper for the matter to go to that committee.

**Mr. Speaker:** As I understand it, the suggestion is that the House give permission for the committee to record the discussions, if it wishes on this occasion. I believe that's correct. I would ask the permission of the House—

**Mr. Renwick:** What's the point?

**Mr. Speaker:** —because of the difficulties coming back to the House and preventing the committee from sitting.

**Mr. Renwick:** But the House is right here now.

**Mr. Speaker:** As I understand it, the House is giving the committee permission to record, if it so wishes. Is this agreed to by the House?

**Mr. J. F. Foulds (Port Arthur):** Mr. Speaker, I think the point that my colleague from Riverdale is trying to make is that it is up to the House to deem a bill to be of "special interest" and up to the House to give that consent. That is certainly how I interpret the committee's report. Therefore, the consent must be given at this time if the committee is to proceed on Thursday. My understanding is the House is now giving that consent.

**Mrs. M. Campbell (St. George):** Mr. Speaker, if I could be of assistance, as a member of the procedural affairs committee, one of the problems which was pointed out to us was that there had to be some kind of notice given if any proceedings were to be recorded, particularly if they were to be concurrent with the sittings in the House, so that Hansard could make its proper provisions. For that reason, it seems to me that that strengthens what is being said by the member for Riverdale. The committee, even with consent, might still not be able to get ready the material, the mechanics to record. The procedural affairs committee would, I am sure, simply say to you—and I don't see the chairman here—that this was a way to obviate the necessity of some last-minute arrangements which might not be able to be

made. Therefore, it seems to me, Mr. Speaker, that the consent of the House is available right now on this matter and this is the time and the place for that consent to be given.

**Mr. Bounsall:** Mr. Speaker, speaking to the same point of order. As a member of the procedural affairs committee, this was definitely my understanding. The whole intent of the motion that came forward from that committee and which was subsequently debated in this House was to have this House determine whether or not the bill was of special interest, and to make that determination before that committee met to ensure that proper hardware would be there so recording could take place. In presenting the motion, the procedural affairs committee did not in any way envisage the House referring that motion back to them to make that decision at the beginning of the committee. And if the decision was to go forward with the recording, adjourn in order to have the equipment installed, and operators provided and so on.

The intent was to have the House decide in time for the equipment to be set up in the committee—if that would be required. There are committee rooms that have recording equipment. But should a second committee meet equipment may be required in that second committee room. This was the reason for the wording which came to this House from the procedural affairs committee, and which we debated.

**Hon. Mr. Winkler:** Mr. Speaker, in answer to that particular point, I think that impasse can be overcome very easily. If a decision to proceed on that basis is made by the committee, this particular committee could be heard in the committee room at present equipped with sound equipment. The estimates committee could either adjourn for that morning, or carry on in another committee room until the second committee room is established. I think we agreed to that. I don't think that's a problem.

**Mr. Deans:** Let me just make one other comment on it. Since I raised it first this afternoon, I took what we were doing this evening to mean that we were indicating to the committee that it was the wish of the House that they would record the hearings.

I am not at all sure of the legal meaning of the word "consent." That's what I was asking my colleague from Riverdale—whether consent means direct or not. But I think we are all agreed that this is a bill of special



importance, and that the particular phraseology contained in that particular edition of the proceedings was intended to be used on just such an occasion. What we are doing is obviating the necessity of the committee coming back to the House. Rather we are saying to them in advance that it would be our wish that they record the hearings, and that there is a way it can be done. And that you don't have to come back and ask for permission; it is already given to you. Is that right?

**Hon. Mr. Winkler:** Exactly. Correct. As we discussed it, Mr. Speaker, the committee will be informed of our consent. As I have said time and time again without wanting to get into any debate over this—because I don't intend to—I have never taken any position that interfered with the function of any committee.

They have the powers of the House, and I recommend that we advise them that they have the consent to proceed. The arrangements to have them heard is not a very difficult one under the circumstances, and I—

**Mrs. Campbell:** You should hear the Hansard people on that subject.

**Hon. Mr. Winkler:** —would think that they should have the power of making their own decision. That's all I am saying.

**Mrs. Campbell:** That is not what they say.

**Mr. Speaker:** I think we understand each other. The House tonight is giving consent to the committee to record the proceedings. Do we have that agreement?

Agreed.

**Mr. Renwick:** It is a special interest bill and we have consented to the recording.

**Mr. Speaker:** The House is giving permission as I understand it to record the proceedings of consideration of Bill 100.

**Hon. Mr. Winkler:** Right. Before I move the adjournment of the House, Mr. Speaker, if the members would care to take down these numbers, this is the way we will proceed for the next few days—I would assume. The first item will be item 17 on the order paper, Bill 106; then item 21, Bill 111; and then, third, item 18, Bill 107; No. 4, item 6, Bill 75; No. 5, item 8, Bill 95; and then item No. 6, Bill 9. Then we will return to—

**Mr. Deans:** No, item No. 9, surely.

**Hon. Mr. Winkler:** Item 6 is item 9 on the order paper, Bill 96. Then, following that, the seventh item I am calling is item 2, Bill 45.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:45 o'clock, p.m.

## CONTENTS

---

**Tuesday, June 17, 1975**

Ombudsman Act, in committee .....	3095
Reporting of committee, Mr. Winkler .....	3117
Motion to adjourn, Mr. Winkler, agreed to .....	3119



# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, June 19, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

---

THURSDAY, JUNE 19, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. F. Laughren** (Nickel Belt): Mr. Speaker, I hope that you and the other members of this chamber will join with me in welcoming 15 students from the Foleyet Public School in the chamber this afternoon. They are under the supervision of Mr. Munn.

**Hon. R. Brunelle** (Minister of Community and Social Services): Mr. Speaker, I would ask that you and members join with me in welcoming the students from Ecole St. Jules in the great town of Moonbeam.

**Mr. J. E. Stokes** (Thunder Bay): I was wondering when the minister was going to get around to that.

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Speaker, I would ask the members of the House to welcome the Young Voyageurs from Niagara Falls, Ont., who are hosting students from Powell River, B.C. They are here with the person in charge, Mr. P. Deegan.

**Mr. Speaker:** Statements by the ministry.

**Mr. T. P. Reid** (Rainy River): Mr. Speaker, on a point of order: In the committee on the legislative estimates on Tuesday, the chairman, the member for Lambton (Mr. Henderson), made a ruling that certain things were not debatable during the estimates. He said, and I quote from the instant Hansard:

I have a statement to give before we proceed with the debate. Last night when we adjourned there was an argument developed among members about procedure and about this particular vote. I have now investigated the situation, and my ruling is that the formula is debatable. The distribution within the caucuses is not going to be debatable.

Mr. Speaker, the night before we had got a breakdown from the administrator of the assembly of the way funds were spent within the Liberal caucus and the NDP caucus, but not a breakdown for the Conservative caucus.

It seems to me this is an abrogation of the rules of the Legislature that say members are

able to ask questions in regard to the estimates—the amount of public funds that is going to be voted and supposedly used for public purposes.

I would ask, sir, that you look into this matter with a view to informing us that we, indeed, do have this right.

**Mr. Speaker:** I shall study the matter, but I might point out that the committee is run independently of the House and under its chairman. However, I shall study it and report further if it seems to be irregular.

**Mr. V. M. Singer** (Downsview): Mr. Speaker, may I just say a word or two on the point? I was there the day the ruling was made and it places members of the committee, particularly opposition members, in a very difficult position. As you know, sir, those committees are set up so that there is an overwhelming number of government members, and if an arbitrary chairman is going to foreclose us from discussing how an estimate is used and how public money is spent, there is very little that an opposition member can do.

The chairman is not impartial, as you are, sir. The chairman is a partisan person. You are the servant of the House and I think we need your protection.

I join my colleague from Rainy River in saying we need your protection to ensure we can ask questions and get answers, particularly in as important a debate of the estimates.

**Mr. Speaker:** I shall certainly report back.

**Mr. S. Lewis** (Scarborough West): Before you move, I would like to comment on the point, Mr. Speaker. Apart from the behaviour of the chairman of the committee, which was perhaps characteristic and predictable, what right has the administrator of the legislative assembly to withhold information on the spending of public money by the Conservative caucus, while granting scrutiny of those of the opposition caucuses?

Quite apart from the chairman's reluctance to allow us to know, since when is public money applied to members of the assembly revealed only as it affects opposition caucuses

and not the government caucus? Could you speak to the gentleman about that as well?

**Mr. Speaker:** Yes: I shall study the whole question.

**Mr. P. Taylor (Carleton East):** Mr. Speaker, one further point on this matter, in which I was also involved in that committee. I would like to say to you, sir, I am very pleased that you have undertaken to examine this matter because I think it is very much in danger of setting a very dangerous precedent in this House. I hope you will examine it from the point of view of, perhaps, overruling the chairman of the committee at that time and allowing the questions we posed to be put again and the answers to be provided. Thank you, sir.

**Mr. P. J. Yakabuski (Renfrew South):** The opposition members are spending a hell of a lot more per capita than we are.

**Mr. Reid:** Mr. Speaker, I have a further point of order.

**Mr. Speaker:** A further point of order?

**Mr. Reid:** This is a different one, Mr. Speaker, but it arises out of the same committee. At that committee the member for Samia (Mr. Bullbrook) asked the chairman, the member for Lambton, if he had consulted with anyone in making the ruling we have just talked about. The member said, on the point of order, "I made it clear that I consulted with the Clerk and other members."

On the same page of Hansard, Mr. Speaker, the Clerk, Mr. R. Lewis, said, in reply to the member, "You mentioned you were going to make the ruling but you didn't consult with me." I suggest, Mr. Speaker, that the chairman misled the committee and he should rectify the record.

**Mr. D. H. Morrow (Ottawa West):** Mr. Speaker, on the point of order, I would like to point out to the hon. member, through you, sir, that I am the chairman of that particular committee and I didn't chair the meetings to which the hon. members are referring. Therefore, they should substitute the word vice-chairman for chairman.

**Mr. P. Taylor:** Thank you.

**Mr. Speaker:** I will get the full information about this and report back.

**Mr. Lewis:** Would the chairman of the committee allow the questions to be answered?

**Mr. Speaker:** Order, please.

**Mr. Lewis:** Can you ask him, Mr. Speaker?

**Mr. Speaker:** Not at this particular time. You may ask him in committee.

**Mr. Lewis:** We can resolve it right now. Will the member for Ottawa West allow the questions?

**Mr. Speaker:** I will recognize the member for York Centre.

**Mr. D. M. Deacon (York Centre):** Yes, Mr. Speaker, I wish to take this opportunity to introduce to the House a group of grade 8 students from MacKillop Public School in Richmond Hill with Mr. Marcus and Mr. Binsted, the teachers who are with them. I ask that you welcome them.

**Mr. Speaker:** Statements by the ministry. The hon. Minister of Health. Sorry, the hon. Premier.

**Mr. Lewis:** The minister is deferring again, is he?

## ENERGY PRICES

**Hon. W. G. Davis (Premier):** Mr. Speaker, I wish to inform the members of the House that yesterday I spoke by telephone with Prime Minister Trudeau, on the subject—

**Mr. Stokes:** Did he call the Premier or did the Premier call him?

**Mr. Lewis:** It is a marvellous invention.

**Mr. Speaker:** Order, please.

**Mr. Lewis:** Was that on the console behind the Premier's desk, the one with all the buttons?

**Hon. Mr. Davis:** Yes, as a matter of fact, yesterday it was. The other time it was not.

**Mr. E. W. Martel (Sudbury East):** The red one.

**Mr. Reid:** Was it a red phone?

**Hon. Mr. Davis:** No, it wasn't a red telephone.

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** We don't use Trudeau's colours.

**Mr. E. R. Good (Waterloo North):** Did he reverse charges?

**An hon. member:** Did he call collect?



**Hon. Mr. Davis:** If the hon. members would like to know what was said I am ready, Mr. Speaker, whenever they are.

**Mr. R. F. Ruston (Essex-Kent):** We are listening.

**Mr. R. F. Nixon (Leader of the Opposition):** Did the Premier tape it?

**Mr. P. Taylor:** Play us the tape.

**Mr. Speaker:** Order, please. Let's get on with the business of the House.

**Hon. Mr. Davis:** No, I must confess I don't tape my calls. The member for Carleton East may tape his, I wouldn't know, but I don't tape mine.

I spoke by telephone yesterday with Prime Minister Trudeau on the subject of possible crude oil and natural gas price increases. I made it absolutely clear to the Prime Minister that Ontario opposes any increase in the prices of crude oil or natural gas until such time as inflation is brought under control and unemployment is substantially reduced. I did not see that anyone could have misunderstood this position, particularly with recent Statistics Canada information confirming the gravity of the current economic situation. Mr. Trudeau assured me that he does indeed understand Ontario's arguments. He indicated—contrary, I think, to what has been speculated—that the federal cabinet—and this is as of yesterday afternoon at about 3:30, Mr. Speaker—had not yet made a decision although, and I think I can quote him on this, he “anticipates that some kind of decision will be made in the next few days.”

This morning I sent the following Telex to the Prime Minister with copies to the other Premiers to once again reaffirm our position on the subject of possible oil and natural gas price increases. I'm quoting from the Telex:

AT THIS POINT I MUST RESTATE ONTARIO'S STRONG OPPOSITION TO ANY INCREASE IN THE DOMESTIC PRICE OF CRUDE OIL OR NATURAL GAS UNTIL SUCH TIME AS INFLATION IS BROUGHT UNDER CONTROL AND UNEMPLOYMENT IS SUBSTANTIALLY REDUCED. THE MOST RECENT INFORMATION FROM STATISTICS CANADA REVEALS THAT CANADA'S CURRENT ECONOMIC PERFORMANCE IS THE WORST IN OVER TWO DECADES. THE POSSIBILITY THAT THE FEDERAL GOVERNMENT MIGHT APPROVE PRICE INCREASES FOR OIL AND GAS AT SUCH A TIME IS INCREDIBLE.

THE MAIN JUSTIFICATION OFFERED BY THE FEDERAL GOVERNMENT FOR HIGHER PRICES IS TO ENSURE SUFFICIENCY OF SUPPLY. AT THE FIRST MINISTERS' CONFERENCE, MY POSITION WAS THAT THIS

OBJECTIVE COULD BE ACCOMMODATED WITHIN THE EXISTING PRICE STRUCTURE. AND IF THAT WERE NOT ENOUGH, RECENTLY ANNOUNCED INCREASES IN THE EXPORT PRICE OF NATURAL GAS WILL BRING AN ADDITIONAL \$583 MILLION TO GOVERNMENTS AND PRODUCERS AT NO COST TO THE CANADIAN CONSUMER. SURELY THESE SUBSTANTIAL INCREASES IN REVENUE SHOULD BE CONSIDERED BEFORE ANY THOUGHT IS GIVEN TO ESCALATION OF THE DOMESTIC PRICE OF CRUDE OIL AND NATURAL GAS.

IT IS MY HOPE, AND I FEEL THE HOPE OF MOST PEOPLE, THAT THE FEDERAL BUDGET ON JUNE 23 WILL BE DESIGNED TO COUNTERACT INFLATION AND EXPAND EMPLOYMENT. IN THE CURRENT ECONOMIC CIRCUMSTANCES, INCREASES IN OIL OR GAS PRICES WOULD BE WRONG.

That is the content of the Telex sent today.

**Mr. Lewis:** It's a pity the Premier didn't send it last year. We wouldn't be in this box.

**Mr. R. F. Nixon:** Did he send a Telex to Hydro, too?

**Mr. Martel:** He might ask companies to justify their price increases.

**Mr. Speaker:** Order, please. The hon. Minister of Health with a statement.

#### LAURENTIAN HOSPITAL MANAGEMENT

**Hon. F. S. Miller (Minister of Health):** Mr. Speaker, on May 29 last, I indicated to the members of the Legislature that I had agreed to respond to the request of the regional government of Sudbury to hold a public inquiry into certain financial and administrative affairs of the Laurentian Hospital. I am pleased to inform the members that Judge Carl Waisberg, QC, LL.M., JD, has accepted our invitation to be the commissioner for this inquiry.

Judge Waisberg, a graduate of Osgoode Law School, is connected with the provincial court, criminal division, of the judicial district of York. He has a broad background in corporate and civil legal practice, and in community service. We feel fortunate that he has accepted this important assignment.

The terms of reference will permit Judge Waisberg to determine whether: The administrative organization of Laurentian Hospital was adequate for the purposes of the planning, constructing and equipping of the hospital; the Board of Governors of Laurentian Hospital paid an excessive amount for the site of the hospital and, if so, the reason or reasons therefor; the Board of Governors of Laurentian Hospital exercised due economy

in equipping and furnishing the hospital; there were improprieties in connection with the awarding and carrying out of the general contract.

Further, the inquiry will look into: Issues in dispute between the Board of Governors of Laurentian Hospital and members of the senior administrative staff of the hospital; the adequacy of communications between the Board of Governors of Laurentian Hospital and the Sudbury and District Hospital Council with respect to funds required by the board for the hospital and any commitments for such funds from the community.

Judge Waisberg will submit his report and any recommendations to me at the conclusion of the inquiry. The appointment of Judge Waisberg and the terms of reference I have outlined today should meet the concerns expressed by the regional government and assure a thorough examination of the contentious issues involved.

#### HOME PROGRAMME STANDARDS

**Hon. D. R. Irvine** (Minister of Housing): Mr. Speaker, I would like to take this opportunity to announce the new steps that are being taken by the Ontario Housing Corp. and the Ontario Mortgage Corp. to further protect the interests of families buying homes on Home Ownership Made Easy lots.

Before doing so, I would like first to outline the present procedures.

Although the responsibility for inspectors lies mainly with the municipalities, HOME units are also inspected on at least six occasions during the construction process. A full-time complaints officer handles purchasers' problems with the builder. It is in the areas of moving families into houses before they are ready for occupancy and the laxity in cleaning up deficiencies, that difficulties have occurred with a few builders.

While we are dealing with modest, "starter" homes, the new owners are fully entitled to expect construction standards to be met and deficiencies quickly rectified. For these reasons, OHC has already hired additional inspectors—the staff has been substantially increased in the last six months—and we have placed senior inspectors and backup staff on-site for major projects.

The corporation has also arranged for an audit of construction inspection procedures and practices.

OHC is currently expanding its complaints section and decentralizing it to branch offices across the province. This will enable buyers

to deal, in their own area, with an official of the corporation who will be responsible to see the builder corrects deficiencies.

As well, OHC will put into use a standard builder/purchaser acceptance form to be completed at the time of occupancy. This will list agreed deficiencies that the builder will rectify within a reasonable period. In addition, during the first year of occupancy, follow-up surveys will be made to ensure that all deficiencies have been corrected and warranty-type repairs have been made.

In conjunction with Ontario Mortgage Corp., OHC will withhold builders' mortgage advance funds for a project if a builder permits occupancy before a house is inspected and passed for occupancy. This will be done until such time as the house is brought up to the required standards. In addition, should any builders' performance not be of the standards required, that builder will be excluded from the HOME and rental housing programmes until appropriate corrective action is taken.

Mr. Speaker, I would like to relate to the members of the House an inspection I made yesterday in Gourlay Park along with the member for Wentworth North (Mr. Ewen) and Wentworth (Mr. Deans), at which time I inspected several homes built by different builders in the area. In general, the people who have occupied the homes in this home development are very happy. In general, the builders are doing an excellent job. But in one particular instance, which was brought to our attention in this House by the member for Wentworth, the builder, in my opinion has done a very poor job—and has been told so as of yesterday.

I want to point out to all the members of this House that the final inspection has not been approved nor have the funds been allocated in total to any of the builders in that particular project.

Valport were deficient in the outside construction; the basement construction; in the—

**Mr. Singer:** Inside construction.

**Hon. Mr. Irvine:** —tidying up of the inside construction in regard to plumbing; in regard to doors—

**Mr. Stokes:** Totally deficient.

**Hon. Mr. Irvine:** These things have to be corrected and will be corrected.

**Mr. Lewis:** They're pretty good at landscaping.



**Hon. Mr. Irvine:** The landscaping will be done later. As the hon. leader of the NDP knows, it's not even started yet; but they are doing the rough landscaping.

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): We need some of the NDP's kind of fertilizer.

**Mr. Lewis:** What's left? They can't build the outside, the inside, the basement and the roof—so what the hell does the minister have left?

**Hon. Mr. Irvine:** The point I want to bring out to all the members is this; that the builders in any area do not want to be tarred with the same brush, and they shouldn't be, because we've had one firm deficient in its performance. I suggest to you, Mr. Speaker, and to the hon. members, that we should make sure this builder rectifies his mistakes and we don't tarnish the other builders in any area. Thank you.

**Mr. J. A. Renwick** (Riverdale): There is no substitute for a homebuilder warranty.

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

### ENERGY PRICES

**Mr. R. F. Nixon:** Thank you, Mr. Speaker. I'd like to ask the Premier some questions based on his statement. Has he contacted the Premier of Alberta and the Premier of Saskatchewan so that they are clear as to Ontario's position; and perhaps it is possible they might withdraw their demands for an increase in the amount of oil and gas prices? Secondly, has he coupled with his statement Telex—with which we agree. A further statement to Ontario Hydro which indicates we are not going to permit an increase in the rates for Hydro as requested, which request is before the Ontario Energy Board at the present time?

**Hon. Mr. Davis:** The answer to the latter part of the question Mr. Speaker, is quite obviously no. The answer to the first part of the question I thought was contained in my statement, when I said that I had sent copies of the Telex to the Prime Minister of Canada and to all of the other provincial Premiers in Canada.

**Mr. R. F. Nixon:** Supplementary: Based on his answer that it is quite obviously no,—since the Premier feels that an increase in energy costs—and I believe this to be a fact—is going to have a deleterious effect on our employment and will certainly add further pressures

to the inflation in the economy, why is it quite obviously no—that the government of Ontario, which can in fact control the policy of Ontario Hydro, does not tell Ontario Hydro that we cannot permit an increase in energy rates at this time?

**Hon. Mr. Davis:** Mr. Speaker, I really don't want to get into a prolonged discussion in endeavouring to point out to the Leader of the Opposition the distinction between the increase or proposed increase or possible increase in the cost of crude oil and natural gas and the rate increase requested by Ontario Hydro, but if it will help him I will try to draw a distinction.

Firstly I will say that the government is not supporting the requested increase of Ontario Hydro; it has been referred to the Energy Board—

**Mr. R. F. Nixon:** Is the government opposing it? Is it?

**Hon. Mr. Davis:**—where a very careful analysis will be made as to the adequacy or inadequacy of their proposal.

I would point out to the Leader of the Opposition that Ontario Hydro is a non-profit corporation, whose cost is built upon costs they have to pay, one of the main ones being the cost of energy, whether it be in the form of oil, whether it be in the form of natural gas, or whether it be in the form of coal. Mr. Speaker, it's great to say, "Tell Hydro not to charge more." If the Leader of the Opposition would do just some of the most basic simple arithmetic he would see this would also involve the government of this province in saying, "Hydro, don't increase your rates. We will, as a government, subsidize to the extent of the millions of dollars involved;" which in turn we would have to raise through taxation.

Interjections by hon. members.

**Mr. R. F. Nixon:** No, reduce their rate of expansion.

**Hon. Mr. Davis:** Mr. Speaker it is fine for the hon. member to say, "Hydro, don't expand." This government has a responsibility, so does Hydro in turn—

**Mr. Lewis:** No, "Reduce the rate," not, "Don't expand."

**Hon. Mr. Davis:**—to provide energy for the consumers of electricity in this province. To try and relate the two is just totally nonsensical, it doesn't make any sense.

Interjections by hon. members.



**Mr. Lewis:** Not true, they are both sources of energy.

**Mr. M. Cassidy** (Ottawa Centre): The Premier doesn't understand at all.

**Hon. Mr. Davis:** Well, it doesn't.

**Mr. Speaker,** I have no idea of what is being contemplated in terms of dollars by the federal cabinet. I don't know what will be done in the form of distribution of that cost.

**Mr. Cassidy:** This is a completely irrational allocation of resources.

**Hon. Mr. Davis:** But I can tell you this, Mr. Speaker, that if the distribution is basically further income for the producing provinces and for the federal government—for the federal government in particular to meet what it feels its obligations are in terms of equalization—it really is just a straight form of taxation, and to draw a parallel between that and Hydro is just completely illogical. I have to say that to the Leader of the Opposition.

Interjections by hon. members.

**Mr. R. F. Nixon:** Wouldn't the Premier agree that the real difference is that in Ontario Hydro's instance the government does have control and in the other matter it does not have control and it is in fact taking a very cynical approach to the thing?

**Mr. Lewis:** Oh, the Premier refutes that.

**Mr. Yakabuski:** Ah, the Leader of the Opposition has been put down again.

**Hon. Mr. Rhodes:** That is the reason the member for Brant won't make Premier of this province either.

**Hon. Mr. Davis:** Mr. Speaker, if the hon. Leader of the Opposition thinks our position on oil and natural gas is cynical, I can only say to him his position is totally hypocritical. It's a great thing for him to have the Prime Minister of this country at his farm, to politic—that's great—and then to stand up here in this House and say we are being cynical.

**Mr. Reid:** Nobody came to the Premier's.

Interjections by hon. members.

**Hon. Mr. Davis:** I have to say it takes one to know one, and the Leader of the Opposition should know that better than anyone else.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Cassidy:** What about the Premier and Peter Lougheed?

**Mr. Stokes:** Let the leader of the NDP bail him out—bail them both out!

**Mr. Speaker:** Order please, there are too many interjections—

**Mr. Lewis:** I am just putting sugar in my coffee, Mr. Speaker.

Interjections by hon. members.

**Mr. Speaker:** Order, please. The hon. member for Scarborough West.

**Mr. Lewis:** Can I ask of the Premier, if he calls the 30 per cent increase which the oil companies are asking for "incredible"—that was the word he used in that Telex, wasn't it? The possibility of the increase administered by the federal government: Incredible?—how would he describe a 30 per cent increase request from Ontario Hydro and a \$23 billion capital growth expansion programme before 1982?

**Mr. R. F. Nixon:** That's all right; but don't be hypocritical.

**Mr. Lewis:** Has the Premier a word that might describe that and which would apply?

**Hon. Mr. Davis:** Mr. Speaker, I don't want to re-read the Telex. I don't know what the oil companies are seeking. I repeat, I don't know what the oil companies are seeking. My guesstimate would be that whatever the increase is, a good portion of that increase will find its way into the provincial and federal revenues. And this is what I find also unacceptable. It is a form of taxation at a period of growing inflation and reduction in the employment market—

**Mr. Lewis:** And 35 to 40 per cent will go back to the oil companies.

**Hon. Mr. Davis:** —and I find this illogical, I find it incredible—and incredible means it is very hard to believe—and I just totally don't understand it.

**Mr. Lewis:** It is very hard to believe what the Premier is allowing Hydro to do.

**Hon. Mr. Davis:** Mr. Speaker, the Leader of the New Democratic Party can make all the case he wants as it relates to the long-term growth of Ontario Hydro, but he's got to remember some facts. Ontario Hydro has been developing power in this province for generations to meet need. Now if the Leader of the Opposition says we will halt some aspects of industrial growth secondary industry, that we are to curb growth that needs energy, that's another thing; let him say so.

**Mr. Cassidy:** It is the fluorescent tubes in the Toronto-Dominion Tower the Premier is talking about.

**Hon. Mr. Davis:** Well of course that is what he is saying. It has to be.

**Mr. Lewis:** Thanks for calling me the Leader of the Opposition.

**Mr. R. F. Nixon:** Supplementary.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** He gets one and I get one.

Interjections by hon. members.

**Mr. Lewis:** Incidentally, that is not what we are saying.

**Mr. Speaker:** Order, please. Let's keep a proper question period instead of a debating period. This is the question period.

The hon. Leader of the Opposition.

**Mr. R. F. Nixon:** You do mean me, do you?

**Mr. Speaker:** The hon. Leader of the Opposition has the floor.

**Mr. R. F. Nixon:** Thank you.

**Hon. Mr. Davis:** It was a Freudian slip.

**Mr. Lewis:** Don't feel self-conscious.

**Mr. Cassidy:** Let him enjoy it while he can.

**Mr. R. F. Nixon:** I don't feel self-conscious; if the member can resurrect that as an issue, go right ahead.

I would like to ask—

**An hon. member:** What was it the member for Scarborough West was going to curb?

**Mr. Singer:** Yesterday is tomorrow.

**Mr. R. F. Nixon:** I would like to ask the Premier, if we could keep this on a proper question basis, as the teacher—as the Speaker asks—

**Hon. Mr. Davis:** There is a Freudian slip.

**Mr. R. F. Nixon:** —yes, he could teach us lots—so that we are not going to be talking about that great picnic out in Brant county, which was a great, marvellous thing—

Interjection by an hon. member.

**Mr. R. F. Nixon:** —would the Premier not think that one of the matters that should be concerning him and his Minister of Energy (Mr. Timbrell), if he is concerned about these

matters, is the example established by the Nova Scotia Public Utilities Board, that has been referred to frequently in this House, which has once again shown without equivocation that the provinces do have the power to control internal prices—that is the markup on the base price the wholesalers must pay for the material, namely the petroleum that comes into the province? Has he looked at the recent findings of that board and its decisions and the fact that it has had an excellent effect on the economy of Nova Scotia? Would he not further agree that the leadership in this whole matter is not coming from himself or the Prime Minister of Canada, but in fact from Gerry Regan, the Premier of Nova Scotia, who has established this procedure—

**Mr. Lewis:** Oh, shame!

**Mr. Renwick:** That is a bit much.

**Mr. R. F. Nixon:** —and who, a year ago, indicated clearly that he did not want an increase in the oil price and that it was not necessary?

**Hon. Mr. Davis:** Mr. Speaker, I am really not sure, and I wouldn't want to quote the very distinguished Premier of the Province of Nova Scotia as to what was said a year ago, but I—

**Mr. R. F. Nixon:** The Premier must recall what he said. He must recall.

**Hon. Mr. Davis:** The Leader of the Opposition is not quite accurate, but leaving that aside, that is not the issue—

**Mr. R. F. Nixon:** The Premier supported that—

**Mr. Speaker:** Order, please.

**Hon. Mr. Davis:** This is not the issue, Mr. Speaker, the issue in this instance is what may be a unilateral decision made by the federal government of Canada to increase the price of domestic oil and natural gas to the consumers right across this country.

**Mr. Lewis:** Right, right, right.

**Hon. Mr. Davis:** What happens internally within the Province of Ontario and what has happened in the Province of Nova Scotia are separate issues. The issue here at this moment, on this date in June, 1975—

**Mr. P. Taylor:** Just before the election.

**Hon. Mr. Davis:** —is whether the federal government, with inflation as it is, with Statistics Canada information as it was last Fri-

day or Saturday, is going to—and I think in a totally illogical and contradictory fashion—

**Mr. Cassidy:** You know, the Premier is hypocritical.

**Hon. Mr. Davis:** —further exacerbate the inflationary and unemployment pressures that exist here in this country at this time.

**Mr. Lewis:** Then let the Premier stop the increases.

**Mr. R. F. Nixon:** Why doesn't the Premier remember his power to—

**An hon. member:** The Premier is hypocritical. He allows Hydro to—

**Mr. Speaker:** Order, please. Any further questions?

**Mr. Yakubuski:** I have never seen a man put down so many times in one day.

**Mr. Lewis:** Maybe the silent majority will still write in and save the Premier. Don't give it up.

May I ask, has the Premier made any specific recommendations to the federal government, should it move in this illogical and contradictory way, of the date at which any increase might take effect, given the enormous inventories in the Province of Ontario at this moment?

**Hon. Mr. Davis:** Mr. Speaker, I can only say to the leader of the New Democrats that we are looking at a number of things at this precise moment, and I am not going to speculate until we see what the reaction is from the federal government.

My thought also would be that one looks with some degree of hope, at least, to the budget on Monday. Whether or not that will contain certain revelations for us, I honestly don't know. I can assure the hon. member that we are looking at a number of things at this precise moment.

**Mr. Speaker:** Any further questions?

**Mr. Singer:** Mr. Speaker?

**Mr. Speaker:** Order, please. We have spent over 10 minutes now on the one question and there are many other people with other questions.

**Some hon. members:** It's a very important issue.

**Mr. Speaker:** If it's a very important issue we can come back to it in the form of a new question, perhaps, to give everybody

a chance. We've had several supplementaries, I think. Has the hon. Leader of the Opposition further questions?

### PICKERING AIRPORT

**Mr. R. F. Nixon:** I would like to ask the Premier what information he has about the airport expansion in Pickering and if the policy of this government is changed from the one that it has adhered to as to the airport's location.

**Hon. Mr. Davis:** Mr. Speaker, I've had a communication from the Minister of Transport in Ottawa, which communication is a result of discussions held here a couple of weeks ago. We are studying the contents of that communication. When either the Minister of Transportation and Communications (Mr. Rhodes) of this province or myself has some observations to make as a result of that, they will be disclosed to the House.

Related to the second part of the question, Mr. Speaker, not to restate the obvious once again, it is not a question of the Province of Ontario having second thoughts as to the location. The location was determined precisely in terms of general geographic location by the federal government of Canada and there is just no way the members opposite can get around it.

**Mrs. M. Campbell (St. George):** Nonsense.

**Mr. P. Taylor:** This government was consulted.

**Hon. Mr. Davis:** There is no way they can get around it.

**Mr. R. F. Nixon:** Supplementary: Would the Premier undertake to table the information he now has available as to the future of the Pickering Airport, that is the material on federal policy that's been the subject of communication with this government—even if he wants to hang on to it for a little while until he makes up his mind as to what he is going to do with it—so that we can have that information?

**Hon. Mr. Davis:** Mr. Speaker, I am not going to undertake to table the letter from the federal minister until we have assessed that letter and studied it. Quite obviously, we're going to disclose as much as possible to the House.

**Mr. R. F. Nixon:** Is that confidential information?



**Hon. Mr. Davis:** No, I honestly cannot remember whether the letter was marked confidential. I doubt that it was, but I can't undertake to table it until we have assessed it carefully.

**Mr. Deacon:** Supplementary: In view of the fact that the requirements for surface transportation around the airport involve a very large expenditure by this government, does this government therefore not have some responsibility in deciding whether or not that facility is indeed necessary, as proposed by the federal government?

**Hon. Mr. Davis:** Mr. Speaker, I don't want to become provocative.

**Mr. Lewis:** The Premier spends all his time fighting the federal government.

**Hon. Mr. Davis:** Certainly, we're interested. The responsibility as to the determination of need is that of the federal Ministry of Transport. The hon. member knows that as well as any member in this House.

**Mr. Cassidy:** Boy, the Premier is copping out. He knows this is a copout.

**Hon. Mr. Rhodes:** This is not a copout.

**Hon. Mr. Davis:** Certainly we have some very genuine concern as to what we would be involved in in terms of the infrastructure. This has been stated on many occasions.

**Mr. Lewis:** That's the Premier's escape route. May I ask the Premier, with what does the letter from Jean Marchand deal? If the Premier can't give us the specifics, what are the subject matters which are being reappraised?

**Hon. Mr. Davis:** I don't say they're being reappraised. The subject matter of the letter, Mr. Speaker, and I'm not being facetious, is the proposed airport in Pickering.

**Mr. Lewis:** I thank the Premier very much. Is he reopening with them the question of agricultural land? Is the Premier reopening with them the question of infrastructure? Is the Premier reopening with them the number of landing strips or the cost? What are the subjects which are in contention, without giving us the particulars?

**Hon. Mr. Davis:** Mr. Speaker, I can't enumerate what may or may not be under discussion or in contention until, as I say, we've analysed Mr. Marchand's letter. We're not trying to hide anything, but we want a reasoned, responsible response to that. I

can assure the hon. members of the House, they will be informed.

**Mr. Cassidy:** Just before the election, he will reverse his stand once again.

**Mr. Speaker:** The hon. Leader of the Opposition.

## METRO CENTRE

**Mr. R. F. Nixon:** Mr. Speaker, I would like to ask the Premier another question having to do with government policy on Metro Centre. There has been a good deal of discussion since the programme was ostensibly canned by the withdrawal of the railway corporations. Is the policy now to review the alternatives and perhaps even to consider the one that would see a consortium of federal and provincial governmental agencies of some sort going forward with at least the utilization of this land for housing?

**Hon. Mr. Davis:** Mr. Speaker, I am not laughing at the question. I was just looking up to the gallery, very briefly.

**Mr. P. Taylor:** What does that mean?

**Hon. Mr. Davis:** Nothing.

**Mr. Cassidy:** Just imagine what they think of the Premier.

**Mr. R. F. Nixon:** Is there somebody up there?

**Hon. Mr. Davis:** There is a couple up there totally ignoring everybody in this House.

**Mr. Ruston:** It gets pretty dull in here.

Interjections by hon. members.

**Hon. Mr. Davis:** They should have been at the Liberal picnic.

**Mr. R. F. Nixon:** They were.

**Mr. Lewis:** They are restoring to the Legislature what it lacks.

**Hon. Mr. Davis:** Yes, a little affection.

Interjections by hon. members.

**Hon. Mr. Davis:** What was the question?

**Mr. Reid:** What's going on up there?

**Mr. Speaker:** Meanwhile, back to the question period.

**Hon. Mr. Davis:** I remember the question, Mr. Speaker.

Mr. Lewis: It really throws him, eh?

Hon. Mr. Davis: It is something I don't often see in this chamber.

Mr. Lewis: Really, look around.

Hon. Mr. Davis: I don't often see that.

Mr. Speaker, to get back to the question, and to try to trace a little of the history of it, Metro Centre was a proposal made by the consortium, as I recall, of the two railways. Certain very detailed plans went through certain procedures. It was obviously in the process of not going too far. The province's basic interest in the area was in the transportation centre. We were concerned that if the project didn't go ahead, the transportation centre might be delayed or fall by the wayside.

I convened a meeting some few months ago of representatives from the railways, from Metro Centre, from the federal government and the provincial agencies, and from Metro and the city of Toronto. As a result of that meeting, we set up a study group to assess the transportation centre in particular. The group came in with a detailed report to the same full committee which met roughly two weeks ago, at which time the report was accepted.

The report dealt specifically with the location, the enlargement and the utilization of what is called Union Station here in the city of Toronto. The report was most encouraging from many standpoints: (a) it involves an expenditure of substantially less because there is no change in the geographic location; (b) it preserves the grand hall, if that is the way it is described, at Union Station; (c) the report also recommended an immediate start with the Bathurst St. interchange and the Minister of Transportation and Communications has issued instructions to have that interchange alteration proceeded with post-haste.

It was also decided at that meeting that there would be a group of people, at this stage under the direction or at the initiation of the city of Toronto, to get into the question of land use in the general area, with the decision now made as to the specific location of the transportation centre itself. That's where it stands at this precise moment.

Mr. Speaker: The member for York-Forest Hill with a supplementary.

Mr. P. G. Givens (York-Forest Hill): Supplementary: To use a word that has been running like a fugue through the afternoon—"incredible"—surely it is incredible, is it not,

when we could have had 10,000 rental accommodation units built on this land without pushing anybody around, without dislocating anybody and without expropriating anybody, that the province apparently has done nothing to reserve that possibility of retaining that aspect of the project of having 10,000 rental units built? What in heaven's name is the government doing about reserving that aspect of the plan, which it can announce immediately forthwith, when there is no land available to build on in Metropolitan Toronto at all today?

Hon. Mr. Davis: Mr. Speaker, I say with respect to the hon. member that he perhaps oversimplifies the situation. I am going by memory once again, but the initial plan of Metro Centre, which we are told is no longer economically viable, contained a relocation of the tracks and the transportation centre in a southerly direction. Under the report that has been adopted, the station stays where it is and the track alignment stays where it is. There is not available, until other decisions are made, an immediate piece of acreage for "low rental or residential accommodation." The province will have people participating in the general planning analysis of that area.

If a decision is made in conjunction with Metropolitan Toronto to move ahead with development of some type in that general area, there is no problem whatsoever, in my view, in having a good part of that in the form of residential accommodation. I wouldn't want to define just what form it should take, I don't think that is really something the province should do prior to the city of Toronto and others completing their assessment. But I can assure the hon. member the potential for that has not disappeared with the decision to keep Union Station in its present geographic location, it can still be accommodated.

Mr. Speaker: The member for Scarborough West.

## ENERGY PRICES

Mr. Lewis: A question of the Premier: Has the Treasurer (Mr. McKeough) had any serious discussions with John Turner in the last few days about the matters of the gross national product—inflation, employment, energy costs—in a specific way, preceding the federal budget, given the Premier's extraordinary concern?

Hon. Mr. Davis: Mr. Speaker, I guess my concern is extraordinary; and I would like to think it is shared by the hon. member.

**Mr. Lewis:** That wasn't by question.

**Hon. Mr. Davis:** I don't know; I will have to check with the Treasurer. My recollection is that Mr. Turner was away until last Wednesday or Thursday; I am not sure of this. I will check with the Treasurer and he will have word for the member tomorrow.

**Mr. Lewis:** Has this government indicated to the federal government the kinds of alternatives it might prepare or will have to resort to in the event of an increase?

Some of us, whatever else the government may feel, see the writing on the wall. The issue is rather less "will the increase come," but more "what will Ontario do in response to it." Has the government indicated to them the options to which it is forced?

**Hon. Mr. Davis:** Mr. Speaker, we have not.

#### EMISSIONS AT INDUSMIN LTD. PLANT

**Mr. Lewis:** A question of the Minister of Health: Does the Minister of Health recollect the involvement of his occupational health branch in the testing at the Indusmin Ltd. plant in Midland, where I understand the silica emissions in critical areas of the plant are in excess of the acceptable standards, but that the government is endeavouring to bring them down? Can the minister give us a progress report?

**Hon. Mr. Miller:** No, Mr. Speaker, I can't—although I will be glad to do so. I just simply remember the same instructions being given to my staff that the silica levels were high there and that they were working on it. They brought it to my attention at one point, as a matter of fact.

**Mr. Lewis:** Is the minister aware that there are already in a very small work force—I think it is 30 or 35—six compensation claims approved, and also the observation from a senior compensation board official that almost any long-term employee who worked at the old plant at Whitby would almost surely contract silicosis; and therefore there is a very real sense of urgency about what happens at the Midland plant—can be approach it that way?

**Hon. Mr. Miller:** I will certainly approach it with sincerity, because I know that this was a plant that our staff were not happy with.

**Mr. Lewis:** Thank you very much.

#### TORONTO REFINERS AND SMELTERS LTD.

**Mr. Lewis:** Can I ask the Minister of the Environment what the situation is with Toronto Refiners and Smelters Ltd., whose work order the minister was to approve on April 29 last, and I gather it is still not resolved?

**Hon. W. Newman** (Minister of the Environment): Mr. Speaker, if the member recalls when I answered in the House before, we gave notice to the plant of what we wanted done. I am also having discussions with the city of Toronto regarding their 45 ft height bylaw, for one thing, which would have some bearing on stack extension at Toronto Refiners and Smelters.

There is also some discussion regarding the complete enclosure of the scrap area—and issuing of the building permit for that. There were some problems about that. We will be discussing it with the city of Toronto.

Those are two items. The other one we are looking at right now is a complete study of the total ventilation system within the plant and maybe, if necessary, the extension of the bag house. That is what we are looking at at this point in time. But there is no point in us finally issuing the control order unless we can get some co-operation from the city of Toronto regarding the height bylaw on the stack and the building for enclosing the scrap.

**Mr. Lewis:** Come now; the minister has known of the city of Toronto's position for some time. Is the minister saying that the ministerial order which he imposed, effective April 29 last—in fact April 15 last was when he promulgated it, based on all his previous knowledge—that that ministerial order still isn't resolved with Toronto Refiners and Smelters? Why has the minister retreated from the order which his staff, in good faith and on the basis of all the available information, prepared? What is it about Toronto Refiners and Smelters?

**Hon. W. Newman:** Mr. Speaker, we have not. I said our staff had met with them and we will have other meetings with them. We got a control order, we have put it on, and the city of Toronto 45-ft height bylaw—

**Mr. Lewis:** No, the ministry didn't. It is negotiating it.

**Hon. W. Newman:** We are talking to the city of Toronto.

**Mr. Lewis:** We know the ministry is talking, but the company objected, not the city.



**Mr. Speaker:** Order, please.

**Hon. W. Newman:** We talked to the company on the basis of the type of equipment that had to be put in and the time it would take to install it. These things take time, such as seeing about ordering the equipment. But we also want to discuss it with the city of Toronto.

**Mr. Speaker:** Any further questions?

#### COKE OVEN EMISSIONS AT ALGOMA STEEL PLANT

**Mr. Lewis:** A question of the minister about Algoma Steel and the one coke oven which has emissions: Where does his ministry stand in bringing all of that under control, since the coke oven emissions have now been chronicled, particularly in Hamilton, as having a direct relationship to the incidence of respiratory disease during the period of excessive emission?

**Hon. W. Newman:** Did the member say the Algoma Steel plant? Which one? The one in Hamilton or the one in the Soo?

**Mr. Lewis:** The one in the Soo.

**Hon. W. Newman:** The Algoma Steel plant in the Soo had abatement equipment on the stack. It was made of the kind of material in which there were some problems. Over a period of time it was breaking down, but as soon as it started to break down the new equipment was ordered. I can't give the member the time frame when it will be put into place but certainly it will be put into place. It was ordered some long time ago and it's a special kind of equipment.

**Mr. Lewis:** Can the minister report to the House on that?

**Hon. W. Newman:** I would be glad to give the member the proposed date on which that will be installed.

**Mr. Lewis:** Okay.

#### ONTARIO BITING FLY COMMITTEE

**Mr. Lewis:** I have one other question to ask. I can't be here tomorrow morning and the Minister of Industry and Tourism (Mr. Bennett) isn't here either, and it has intrigued me for weeks. In the monthly checklist of Ontario government publications, under the Ministry of the Environment there is a publication entitled, "Controlling Mosquitoes and Black Flies in Ontario." It is prepared by the

Ontario Biting Fly Committee. Can the minister indicate to me whether in fact there is such a committee in his ministry?

**Hon. W. Newman:** Mr. Speaker, we have a group, I don't know whether it's what one calls a committee—

Interjections by hon. members.

**Hon. W. Newman:** You know, the members shouldn't make fun of this. It's a pretty serious matter, some of these biting flies

Interjections by hon. members.

**Mr. Stokes:** They could get sick biting flies.

**Hon. W. Newman:** There are days I think the member has had more than his share of them, I will tell him that.

**Mr. Lewis:** Are their per diems paid?

**Hon. Mr. Rhodes:** How about the non-biting flies?

**Mr. Speaker:** Order, order.

**Hon. W. Newman:** Certainly we do have a committee that's working on it, and that is concerned about it—the effects of biting flies and insects.

**Mr. Lewis:** Could I just ask the minister who was on the committee and how much they are paid?

**Hon. W. Newman:** I can't tell the member but I would imagine it is an internal group. There was some research done on it, I think at the University of Guelph, as far as I know.

**Mr. Speaker:** The member for Port Arthur.

**Mr. J. F. Foulds (Port Arthur):** Supplementary: Could the minister name the flies which the committee investigates? Do they include, for example, the member for High Park (Mr. Shulman), the gadfly of the Legislature?

**Hon. Mr. Rhodes:** He is a non-biting fly, the member for High Park.

**Mr. Speaker:** The Minister of Labour has the answer to a question asked previously.

#### PAYMENTS TO WCB CONSULTANTS

**Hon. J. P. MacBeth (Minister of Labour):** Thank you, Mr. Speaker. I wish to provide the following information in reply to a question asked of me on Friday, June 13, by the member for Huron-Bruce (Mr. Gaunt).

The task force on the administration of the Workmen's Compensation Board filed its report in September, 1973, following the appointment of Mr. Starr as chairman of the board. P. S. Ross and Partners were retained by the board to assist in the implementation of the recommendations contained in the report of the task force. This work has been almost entirely completed for some months and the present reorganization of the board and new processes developed in several divisions of the board are largely the result of the work performed by P. S. Ross and Partners in conjunction with the board and its staff.

Currently, P. S. Ross and Partners are involved in one or two final assignments flowing from the implementation of the task force report, mainly in the areas of systems and data processing. In addition, a project is being developed in consultation with the board and accident prevention associations in respect of a survey relating to safety awareness. All expenditures of P. S. Ross and Partners, since the report of the task force, have been charged to the Workmen's Compensation Board and paid for out of employers' assessments. Total expenditures, since September, 1973, on these activities total \$117,000.

**Mr. Speaker:** A supplementary from the member who originally asked the question.

**Mr. M. Gaunt (Huron-Bruce):** May I ask the minister what additional moneys are going to be paid to P. S. Ross for the additional work which they propose to do?

**Hon. Mr. MacBeth:** I can't tell the member exactly. I think there's a budget of some \$30,000, but until they've done the work we won't know.

**Mr. Speaker:** The member for Downsview.

#### LAURENTIAN HOSPITAL MANAGEMENT

**Mr. Singer:** I have a question of the Minister of Health. Does the Minister of Health's inclusion of this sentence in his earlier statement: "Judge Waisberg will submit his report and any recommendations to me as Minister of Health at the conclusion of the inquiry" mean that the minister is reserving his right to edit the report or not make it public? Or is the minister prepared to tell us without reservation that once the report is received it will be tabled publicly and made available to all the people of Ontario?

**Hon. Mr. Miller:** Mr. Speaker, I am quite prepared to make the report public.

**Mr. Singer:** The whole report? Fine.

**Mr. Speaker:** The member for High Park.

#### ONTARIO HYDRO ADVERTISING IN THE UNITED STATES

**Mr. M. Shulman (High Park):** I have a question of the Minister of Energy, Mr. Speaker. Can the minister explain, in view of the unemployment in the province, why Ontario Hydro is running these huge ads across the United States, trying to get—

**Mr. Speaker:** Order, please. Just in case the hon. Minister of Energy doesn't realize it, the question was directed to him.

**Mr. Shulman:** He realizes.

**Mr. Lewis:** He knows.

**Mr. Shulman:** I gave him notice. Why is Hydro advertising in the United States for shift foremen, shift supervisors, corrosion engineers and electrical engineers, all of which are available in Ontario, in which they say they want them to go to Bruce? They say here: "Location midway between the towns of Kincardine and Port Elgin on the shores of Lake Huron in one of Ontario's most popular tourist areas." Why are we putting these ads across the United States? Why don't we hire our own people?

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, first of all, I want to thank the member for sending me written notice. I couldn't read his writing and had to consult with the Minister of Health to see whom the note came from.

**Hon. Mr. Miller:** I'm used to doctors' writing.

**Mr. Stokes:** Ask any doctor.

**Hon. Mr. Timbrell:** Secondly, I am not placing those advertisements. I will take the question as notice and get an answer for the hon. member.

**Mr. Speaker:** The member for Huron.

#### BOOKING OF COMMITTEE ROOMS

**Mr. J. Riddell (Huron):** Thank you, Mr. Speaker. I have a question of the Minister of Government Services. Is the minister aware that the Environmental Law Society made a

firm booking for room 440 in this building and a temporary booking for committee room 2 in order to have a meeting this morning? As of this morning, both rooms were cancelled out. Surely, this government is capable of performing a simple task—

**Mr. Speaker:** Order, please. What is the question?

**Mr. Riddell:** —like committing a room and living up to it. What's the story here?

**Hon. J. W. Snow** (Minister of Government Services): Mr. Speaker, I believe the rooms the hon. member is referring to are committee rooms. If that is the case, those committee rooms come under the Office of the Assembly and not the Ministry of Government Services.

**Mr. Riddell:** One room is 440. Is that under the Office of the Assembly?

**An hon. member:** That's not a committee room.

**Mr. Riddell:** Room 440 was the one the firm booking was made for.

**Mr. Speaker:** Order, please.

**Hon. Mr. Snow:** I believe that is the committee room on the fourth floor which is under the Office of the Assembly.

**Mr. R. F. Nixon:** So!

**Mr. Reid:** Ah, ha!

Interjections by hon. members.

**Mr. Speaker:** Order, please. I understand there have been alternative arrangements made. I'm not aware of the full gist of the question. I understand for the meeting that you're talking about, whatever that is, final arrangements were made for the Queenston room.

**Mrs. Campbell:** In the Macdonald Block.

**Mr. Speaker:** In the Macdonald Block, yes. The member for Port Arthur.

## LAKE SUPERIOR POWER PROJECTS

**Mr. Foulds:** Thank you, Mr. Speaker. I have a question of the Minister of Energy. Can the minister tell me why, in his announcement on May 3 to a dinner meeting of the corporation of the township of Atikokan, he indicated—on page 8, I believe, of the text of his speech—that the process for investigating by Hydro for a nuclear station would

be limited to sites located on the north shore of Lake Superior, in view of the experience that Hydro has had when its original investigation for sites was limited to the north shore of Lake Superior but it found in the process a site for the thermal generating plant that was an inland lake? Why is Hydro limiting the scope in the investigation in this case too for the nuclear site to Lake Superior?

**Hon. Mr. Timbrell:** Mr. Speaker, the original investigation had to do with two stations, one thermal and one nuclear. The site for the thermal station has been approved at Marmion Lake near Atikokan. As far as choosing a site for a nuclear station in concerned, the advice of the planners at Ontario Hydro is that they should restrict themselves to the larger bodies of water of the Great Lakes.

**Mr. Foulds:** But does the minister not understand that the advice of the planners at Hydro in the initial investigation was the same—that they limit it to the north shore of Lake Superior? It was only during the public participation process that they admitted it was possible to find a site on an inland lake. Is there not a danger that the same thing will take effect during this process and unduly delay the planning?

**Hon. Mr. Timbrell:** Mr. Speaker, that's the whole point of public participation. One puts forward one's ideas and the bases of one's ideas and puts them forward to be challenged, to be questioned and for alternatives to be put forward. It's quite true that when this whole process started some time ago and Ontario Hydro proposed that the thermal station be at Bear Point, public reaction in the member's area and the reaction of the people at Atikokan was that they didn't object to this. They presented a case showing how it could be of benefit to them and still fit into the Hydro system.

They changed their minds. That's the whole point—public participation means one is prepared to change one's mind.

**Mr. Foulds:** Mr. Speaker, if I might ask one last supplementary: Does the minister not understand that Hydro is limiting its investigation at the present time with regard to the nuclear site and that is a fault it made before and may apply in this case? Wouldn't the minister agree it would be better if Hydro investigated a number of sites in the area, including inland sites, from the beginning?

**Mr. Reid:** Why not Atikokan?

**Hon. Mr. Timbrell:** Atikokan? Mr. Speaker, does the member want both of them? He shouldn't be too greedy.



**Mr. Reid:** Why not?

**Hon. Mr. Timbrell:** What I was saying, Mr. Speaker, very simply is this: At this point in time it is Hydro's considered best judgement that a nuclear site should be on the shores of Lake Superior. If a group in the constituency of the hon. member for Rainy River or anybody else in that area feels they can make a case that it should be near them—members may recall that when cabinet met in Thunder Bay on May 14, there was a group from Red Rock and Nipigon who were most anxious to have it there; there are bound to be other groups—if they can make a case and satisfy the various concerns about the environment and the operation of such a facility then, I would say to the member again, if the evidence is there, the decision will be changed.

**Mr. Speaker:** The member for St. George.

#### RENTAL HOUSING

**Mrs. Campbell:** My question is of the Minister of Housing. In view of the fact that of the \$77.9 million allocated by the federal government to this province for rent-geared-to-income housing only 20 per cent has been committed as of the first week in June of this year, will the minister advise when he proposes to commit that balance so that we may be assured that the poor, at least, are getting some kind of attention from this province and they're not being used as a pawn in any political game unless it's by this government?

**Mr. Singer:** Good question.

**Hon. Mr. Irvine:** Mr. Speaker, the member can be assured we will spend not only all of the \$78 million or \$80 million allocated for socially assisted housing—

**Mr. Singer:** Like the government did last year?

**Hon. Mr. Irvine:** —we'll spend \$100 million, if we get it from the federal government, which I've asked for.

**Mr. Singer:** Just like the government did last year.

**Mr. Speaker:** The member for Ottawa Centre—is this a new question?

**Mr. Cassidy:** A supplementary question of the minister: In view of the comments by his parliamentary assistant about poor people being used as a pawn by the federal government, will the minister act to stop the member from Rosedale using poor people as a

pawn in her efforts to stop the Don Vale area co-operative housing project?

**Mr. Speaker:** I'm not sure that was a supplementary question to the original.

**The member for Sudbury.**

**Mr. Cassidy:** Of course it was.

**Hon. Mr. Irvine:** I think the member should clarify it.

#### LAURENTIAN HOSPITAL MANAGEMENT

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, I have a question of the Minister of Health. With reference to his appointment of Judge Waisberg to inquire into certain happenings at the Laurentian Hospital in Sudbury, will he include within the terms of reference an inquiry into what forces were at play in determining the location of this new facility in Sudbury? Is he aware that this new facility is within half a mile of our other two hospitals, which is not acceptable to the people of that community?

**Hon. Mr. Miller:** Mr. Speaker, the terms of reference have been set. I think it will be a question of interpretation by the hearing judge whether he has jurisdiction to look into the actual choice of locations as well as the terms of payment, price paid, etc.

**Mr. Speaker:** The member for Rainy River.

#### SEPTIC FIELD REGULATIONS

**Mr. Reid:** Thank you, Mr. Speaker, I have a question of the Minister of the Environment. Will he consider changing his regulations for septic fields in northern Ontario and in rural areas, in view of the fact that many in his ministry and many in the Ministry of Health feel they are unduly restrictive? Does he not feel that by relaxing them somewhat he would still be protecting the environment and increasing the number of housing units that could be built?

**Hon. W. Newman:** Mr. Speaker, under Part VII of the Environmental Protection Act, which covers the septic tank installation, there are regulations which are carried out by the various health units across this province; under section 59 of the Environmental Protection Act there is a fair amount of discretion of behalf of the MOHs in the various areas, depending on the circumstances in the individual areas.

If the member has some specific problems in specific areas, or specific suggestions, we'd be glad to look at them. We now have a working committee of some of the MOHs and the chief sanitary inspectors who are constantly looking at the regulations to see how they can be improved.

**Mr. Reid:** One short supplementary, if I may: Is the minister aware that is costs people, depending on where they live, up to \$5,000 or \$6,000 to meet these regulations and that there's still confusion between the MOHs and the Environmental Protection Act? Will he not act himself, in conjunction with the Minister of Health, to formalize and relax the restrictions so that we can get on with building houses for people?

**Hon. W. Newman:** Mr. Speaker, I don't know how there could be any misinterpretation, because it has been made very clear to the MOHs what their authority is under section 59, where they have discretionary powers. The member talks about \$6,000 or \$7,000 for a tank; I don't know what kind of tank he is talking about. He may be talking about a raised bed, I don't know; but certainly I don't know of any tank that costs \$6,000 or \$7,000.

**Mr. Reid:** I'm talking about the whole thing.

**Mr. Speaker:** The member for Nickel Belt.

#### FUNDING OF NON-SEXIST PUBLICATIONS

**Mr. Laughren:** Thank you, Mr. Speaker. A question of the Provincial Secretary for Social Development: When is the Provincial Secretary for Social Development going to make a decision about funding for a group of young women, referred to as "Before We Are Six," who are attempting to publish and illustrate—for the first time in Ontario, I might add, because of the failure of the Ministry of Education to do anything about it—some non-sexist books which could be made available to young people in the Province of Ontario?

**Hon. A. Grossman** (Provincial Secretary for Resources Development): What does he mean, books without sex?

**Mr. Laughren:** And further, what is it about that incredible secretariat that refuses funds to the groups that need them the most, such as young groups under the Experience

'75 programme in unorganized communities such as Gogama?

**Mr. Cassidy:** That's right.

**Hon. Mr. Rhodes:** What is the question?

**Hon. M. Birch** (Provincial Secretary for Social Development): Mr. Speaker, I'd like to point out to the hon. members that the secretariat has no funds.

**Mr. Laughren:** Its ministries have. Supplementary, Mr. Speaker: If that is true, why would the provincial secretary deliberately mislead me in a letter—

**Hon. Mr. Rhodes:** Here, here!

**Hon. Mr. Grossman:** Order.

**Mr. Speaker:** Order, please.

**Mr. Laughren:** Well, it's in writing, Mr. Speaker—

**Mr. Lewis:** It is in writing.

**Mr. Laughren:** It is in writing, Mr. Speaker. Why then would the provincial secretary say, when I asked her about the "Before We Are Six" grant: "The matter is seriously under review and I will write to you at a later date"? Further, concerning the problems with the application for grants in Gogama, why would she say: "Rest assured that I appreciate your concerns and I am endeavouring to have the matter reviewed"?

Mr. Speaker, is the minister misleading me in pretending that she has some control of the application of grants when she does not?

**Hon. Mr. Grossman:** The member is misleading himself.

**Hon. Mrs. Birch:** The only person the hon. member is misleading is himself. I'm a co-ordinator.

**Mr. Martel:** Did he write that letter to himself?

**Hon. Mr. Rhodes:** Probably.

**Hon. Mr. Grossman:** If he wrote it to himself, he couldn't read it.

**Hon. Mr. Rhodes:** Have a nice day.

**Mr. Speaker:** Order, please. The member for Kent.

#### HOUSING IN DEALTOWN

**Mr. J. P. Spence** (Kent): Mr. Speaker, I have a question of the Minister of Housing

in regard to the announcement of a housing project to be developed at Dealtown in the southern part of Kent county: Has there been any feasibility study in regard to a housing development there and has he received a report of that study?

**Hon. Mr. Irvine:** Not to my knowledge, but I'll look into the matter.

**Mr. Speaker:** The time for the question period has expired.

Petitions.

Presenting reports.

**Hon. Mr. Clement** presented the annual report of the Ministry of the Solicitor General for the year ended Dec. 31, 1974.

**Mr. Wardle** from the standing miscellaneous estimates committee reported the following resolution:

RESOLVED: That supply in the following amount and to defray the expenses of the Office of the Provincial Auditor be granted to Her Majesty for the fiscal year ending March 31, 1976:

#### Office of the Provincial Auditor

Administration of the Audit Act  
and statutory audits ..... \$1,589,000

**Mr. Morrow** from the standing procedural affairs committee reported the following resolution:

RESOLVED: That supply in the following amount and to defray the expenses of the Office of the Assembly be granted to Her Majesty for the fiscal year ending March 31, 1976:

#### Office of the Assembly

Office of the Assembly  
Programme ..... \$8,609,500

**Mr. Speaker:** Motions.

Introduction of bills.

### EDUCATION AMENDMENT ACT

**Hon. Mr. Wells** moves first reading of bill intituled, An Act to amend the Education Act, 1974.

Motion agreed to; first reading of the bill.

**Hon. T. L. Wells** (Minister of Education): **Mr. Speaker,** this bill only contains two sections; one is a housekeeping item and the other is a section concerning apportionment appeals to the Ontario Municipal Board.

### THEATRES AMENDMENT ACT

**Hon. Mr. Handleman** moves first reading of bill intituled, An Act to amend the Theatres Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Handleman:** **Mr. Speaker,** the purpose of the bill is to extend certain of the controls of the Act to all methods of reproducing moving pictures where exhibited for gain or for public viewing. It also contains a provision which authorizes regulations to be made requiring prescribed proportions of films shown to be of Canadian manufacture.

**Mr. Renwick:** Very good.

**Mr. Cassidy:** The second half is very good.

**Hon. Mr. Handleman:** It all goes together.

**Mr. Cassidy:** We have suggested this for a long time but the minister wouldn't move.

**Mr. Speaker:** I'll recognize the member for Thunder Bay.

**Mr. Stokes:** Thank you, **Mr. Speaker.** I would like to take this opportunity to introduce to the members of the House 60 grade 8 students from Marathon Public School, in that beautiful community on the north shore of Lake Superior. They are under the direction of **Mr. G. Pappas** and are in the west gallery.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The 2nd order, House in committee of the whole.

### OMBUDSMAN ACT

(continued)

House in committee on Bill 86, An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies.

**Mr. Chairman:** I believe we were debating section 15 of the bill and we had before us an amendment by the member for Riverdale (**Mr. Renwick**) which I will place again for the benefit of the committee.

**Mr. Renwick** moves that section 15(2) be amended to read as follows:

The Ombudsman may make any such investigation either on a complaint made to him by any person affected or by any member of the Legislature upon a complaint made to the member by any person affected



or referred to him by the Attorney General, or of his own motion.

As I recall it, the hon. minister was about to respond to some of the comments that have been made by the hon. member for Riverdale and other members of the committee.

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Chairman, we debated at some length on Tuesday evening the proposed amendments put forward by the member for Riverdale, and supported by some of his colleagues within his own caucus and supported by some of the members of the Liberal Party.

First, I just want to refer to some of the observations made by the member for Sudbury (Mr. Germa). He took exception to the fact that any complaints coming to the attention of the Ombudsman should be in writing, as the Act is presently drafted. He recounted an experience in which he was involved with a person who found it difficult, if not impossible, to express himself, certainly in the English language and certainly in writing.

Now, there is nothing incumbent upon a complainant that would force him or her to put forward any complaint in his or her own writing. It can be written on his or her behalf. Although rarely, sometimes people do come forward who are illiterate and must dictate the complaint which they have to make.

Now, bearing in mind that many of the complaints will be of a serious nature—at least I would anticipate that—I think it's only realistic to say that I would certainly want it in writing so that I could verify it later if the complainant decides to change his allegation. It's certainly much more realistic for the Ombudsman to have the initial complaint before him.

In practising law, I just certainly never, ever settled a law case in my life without the instructions of the client in writing. On the odd occasion, perhaps half a dozen in all, many months if not a year or two after the litigation had, in fact, been settled and the moneys paid, the person came back and suggested that I had settled it without his or her authority—whereupon I dug up that instruction in writing and produced a photocopy for the person who then professed to not recall it, or it wasn't their understanding, or something.

I think in the interests of all of those who are going to act on a complaint, there should be some verification as to what the gist of the complaint is, so that afterwards, the com-

plainant can't say, "Well, I didn't really mean it that way; or I didn't understand it." I would suggest that an oral complaint would be, indeed, very dangerous.

So, if anybody should run into any such difficulty, I am certain that a member of staff in the Ombudsman's office will sit down with the individuals, take down their complaint and read it back to them—if they are unable to read—and have them affix their signatures or marks to it, so that the Ombudsman has something on which he can fall back on. Because he, in turn, will be acting on some of these allegations.

Now, with reference to the suggestion in the form of amendments put forward by the member for Riverdale, I wonder if I could make an observation or two which I hope he might agree with. I don't know how we do this, but perhaps he could amend the portion of his—

**Mr. J. A. Renwick** (Riverdale): I'm sure if you have an inclination to amend, you'll find me most amenable.

**Hon. Mr. Clement:** I've always found you most amenable under the most trying of circumstances.

In the first place, I found out from my legislative draftsman, and I don't take credit for this, that we should not, or you should not—let's put it that way—use the word Legislature. We should use the words legislative assembly or assembly, because the word Legislature includes everyone within this room, including the cabinet or executive council. I think that the criterion would be that it should be members of the assembly or members of the legislative assembly. So I take that we're not going to debate this today.

**Mr. Renwick:** It is a distinction that escaped me, but I agree with it.

**Hon. Mr. Clement:** I knew that you would be aware of it the minute that I drew it to your attention.

Secondly, if I may break your amendments down into two parts, in the first one dealing with section 15 subsection 2, I have no objection whatsoever to adding the words, "by any member of the assembly," or, "any member of the legislative assembly." I am not going to worry about that at all.

I would like to have deleted, and I address my remarks to the mover of the amendment, the reference to the Attorney General, and I will tell him why. Under one subsection, which I think we have already

debated, the office of the Attorney General is called on in this Act to play some kind of a quasi-judicial role. Pardon me, we haven't come to it, but we discussed it the other day.

Under section 21, the Attorney General under certain circumstances can certify that a document is privileged. I'll paraphrase it by putting it that way. Therefore, when sitting in a quasi-judicial position to make that certification, after considering whether or not it meets the test of section 21, I would not like to see the Attorney General then be in a position later on to request the Ombudsman to intervene on a matter. I hope I make this point clear to the member for Riverdale.

The Attorney General is a member of the assembly, he is a member of the legislative assembly and, therefore, I think it is somewhat redundant to specifically refer to the office of the Attorney General. If the Attorney General in his official capacity wanted to refer something to the Ombudsman, he certainly could as a member of this House. Because the Attorney General does play some kind of a quasi-judicial role under section 21 in making the certification for the reason set forth there, I just feel on the face of it it would indicate some kind of conflict in face of the statute. I put those two submissions forward to the member for Riverdale. I'd be interested in hearing his response.

**Mr. Renwick:** May I deal with that part of it now?

**Hon. Mr. Clement:** I wonder if we could deal with this part of it now. I am quite in agreement to the amendment, if it read something as follows, Mr. Chairman:

The Ombudsman may make such investigation either on a complaint made to him by any person affected or by any member of the assembly [or legislative assembly—it doesn't matter] upon a complaint made to the member or any person affected or of his own motion.

**Mr. Chairman:** Before the hon. member for Riverdale responds, the Chair would like to recognize the hon. member for Sandwich-Riverside.

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Chairman, I should like the House to welcome 33 students from John Ross Public School in Windsor under the supervision of Mr. William Bowden, and two of the mothers of the class.

**Mr. Chairman:** The member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I am delighted that the minister has seen fit to accept the substance of the amendment. I also accept the argument which he made, or the points which he made or the distinctions which he made with respect to deleting that portion of the proposed amendment that dealt with references by the Attorney General to the Ombudsman. Therefore, I take it that the amendment in the first part of the amendment, that is, the amendment to subsection 2, would now read as follows:

The Ombudsman may make such investigation either on a complaint made to him by any person affected or by any member of the legislative assembly upon a complaint made to the member by any **person affected or on his own motion.**

**Hon. Mr. Clement:** That is my understanding. I agree to that proposed amendment. I think that's a good amendment. Now just when we are getting along so well together—

**Mr. Renwick:** I would accept that.

**Mr. Chairman:** I wonder if we could have the committee deal with that first.

**Mr. J. E. Stokes (Thunder Bay):** That's being flexible.

**Mr. Chairman:** Is it the pleasure of the committee that Mr. Renwick's amendment, as read, carry?

**Mr. Renwick:** Mr. Chairman, on a point of order, if you would like to deal with the amendment which I moved in two parts, I am quite happy to do so and we can move that part of it.

**Mr. Chairman:** Does the committee want me to read the amendment again? I will read the amendment and then we can seek the approval.

**Mr. Renwick** moves that section 15, subsection 2, be amended to read as follows:

The Ombudsman may make any such investigation either on a complaint made to him by any person affected or by any member of the legislative assembly upon a complaint made to the member by any person affected or of his own motion.

**Mr. Renwick:** Mr. Chairman, may I make just one other comment that struck me about this amendment—and I am delighted that it is accepted. The one part that it also refers to, which in the course of the debate the other night we didn't make a back-reference to, was the earlier debate about the facilities of the Ombudsman, and branch offices and

places to conduct his business and that kind of thing.

It did seem to me that in a very real sense members of the assembly could assist in maintaining the personalized nature of the office of the Ombudsman without him having to proliferate the institution in order to reach out into various parts of the province to the extent that would have otherwise been necessary.

**Hon. Mr. Clement:** As I recall, perhaps a week ago tonight or whenever it was that we touched on those discussions, my recollection of the debate and my response to it, Mr. Chairman, was to the effect that I didn't know; there had been a suggestion that there be branch offices perhaps, and that, in fact, there even be a mobile office in the parts of northern Ontario—all, I presume, based on whether a need existed. My response at that time was that that would be a decision the Ombudsman would have to make, depending on the demand for his services and the availability of his services in various parts of Ontario.

It may well be, as experience develops in this particular responsibility, that you may find a mobile operation may have to be expanded in several parts of the province. But this will be a judgement call on the part of the Ombudsman as he sees the matters unfolding. So that was where the matter had been left, as I recall our debate; I think it was a week ago tonight.

**Mr. Chairman:** Shall Mr. Renwick's amendment to subsection 2 of 15 carry?

Section 15, subsection 2 agreed to.

**Mr. Chairman:** Any comment on subsection 3? Shall it carry?

**Hon. Mr. Clement:** Yes, there was no amendment there.

**Mr. Chairman:** Mr. Renwick has an amendment to subsection 4.

**Hon. Mr. Clement:** Yes, I wanted to respond to that, Mr. Chairman.

**Mr. Chairman:** Perhaps we can carry subsection 3 and I will read Mr. Renwick's amendment to subsection 4. Subsection 3 carries.

**Mr. Renwick** moves that subsection 4 be amended to add thereto the following proviso:

Provided that the Ombudsman may conduct an investigation notwithstanding that the person aggrieved has or had such a

right or remedy if satisfied in the particular circumstances it is not reasonable to expect the person aggrieved to resort to or have resorted to it.

Does the hon. member for Riverdale wish to comment on his amendment?

**Mr. Renwick:** I did make my comments the other night and I think they would, in a sense, be repetitious. I would be interested to think that the minister is prepared to accept that, or some amended version of that amendment as well.

**Hon. Mr. Clement:** Mr. Chairman, as I was saying a moment ago, it is just a shame when we have been getting along so well together for the last 15 minutes that now our paths must appear to part, but I am hoping to take the member for Riverdale by the hand up the path I intend to discuss.

**Mr. Stokes:** Not the garden path I hope.

**Hon. Mr. Clement:** It is awfully hard to take him up the path—he has never been taken in his life, believe me—but that is neither here nor there and probably isn't relevant to these discussions.

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Yes, but he has been up the path before.

**Mr. Renwick:** You can take me to the bar but you can never make me drink.

**Hon. Mr. Clement:** To a bargain, did you say?

**Mr. Renwick:** To the bar.

**Hon. Mr. Clement:** Yes, I remember when the member for Riverdale was called to the bar many years ago; a fine young man, too, at that time.

**Mr. Renwick:** I agree.

**Hon. Mr. Clement:** I am dealing only with the proposed amendment put forward by the member for Riverdale. The other night, unfortunately, the hours came and went and I didn't have an opportunity to respond while the debate was fresh in my mind.

I am under the impression that there are some members of the House, Mr. Chairman, who feel, and feel very sincerely, that before the Ombudsman can intervene the member of the public affected must exhaust practically every conceivable legal remedy available to him through the proper court and/or tribunal in order to come to the Ombudsman, presumably on his knees and completely



chastened in terms of financial hardship and time, and say: "There, I have been to the Supreme Court of Ontario. I then appealed to the appeal court. Then I took it to the Supreme Court of Canada. I have been unsuccessful"—or whatever the results have been—all the way. I am still not happy with the result. Now, for God's sake, will you please intervene or look into the matter?"

The member for Riverdale, by the nature of his proposed amendment, wants to be assured that as the circumstances warrant in an individual case—certainly not all—the Ombudsman could and should have express remedy or statutory authority to step in and say, "Mr. Citizen, you need not go through this torturous route to seek the remedy you're after. At this point, I will step in."

I suggest, with the greatest of respect, that right exists right now, for two reasons. He really doesn't have to go through the process of the courts or the tribunals or the hearing boards. He can wait until the time for appeal or so on has expired. In many of our tribunal statutes, by which a registrar issues a proposal—let's say it's the Real Estate and Business Brokers Act—the registrar writes a letter of registered notice and so on to the realtor or the salesman, "I propose to suspend your licence" or "I propose that I will not renew your licence for the following reasons," and then he sets them out.

There is a 15-day period in which the recipient of that notice can say, "I want the matter dealt with by the tribunal. I don't accept the finding of the registrar." Under subsection 4(a) as it is presently drafted, if he failed or refused for one reason or another to exercise his right within the 15-day period and, let's say, 20 days after having received the proposal from the registrar, said, "My gosh, what have I done? I should have appealed it" he's told it's too late.

There is nothing to preclude him from going to the Ombudsman. The Ombudsman looks it up and says, "You should have appealed it but you didn't?" He says, "No." The Ombudsman says, "Do I, as the Ombudsman, have the right?" He can read the section and say, "Until after the time for the exercise."

**Mr. Renwick:** I agree with that analysis for that particular purpose.

**Hon. Mr. Clement:** All right. Now there are time limits, as I understand it. I stand to be corrected; I don't hold myself out as any expert in all these applications for extraordinary remedies. I am presuming, and my understanding is, there are time limits for

just about everything you bring in by way of the court process after you knew or ought to have known the facts about which you complained.

Let's say there was an exception or several exceptions to that. The Ombudsman who, after all, is the guardian of everybody, on his own motion can look into it if that individual has been deprived of basic justice. Let us say there still was time for someone to appeal. I think the complainant would have to make a pretty fair case to the Ombudsman to say, "I don't want to appeal. I realize I have eight more days to go or 15 days to go but I want you to do it." I think there would be a pretty heavy onus on that individual to demonstrate that he was the "victim"—I say that in quotes—of some arbitrary government decision and he would have to demonstrate that he didn't have the financial ability to process it through the court system or the tribunal system or whatever group was intended to hear it.

The Ombudsman then would have to make the decision. If he decided that indeed this person appeared at first blush to be a victim of some kind of an arbitrary or improper decision by any level of government within this provincial structure, he could say on his own motion, "All right, I agree." Certainly no one in Ontario would know more about the anticipated cost of proceeding before some of these courts than Mr. Maloney. He, on his own motion, can say, "All right, fine, I'll look into it."

I think the public perception must be that he is not, nor should he ever become, an alternative to the courts. I am genuinely concerned that everyone—at least substantial numbers of people—will come before him and say "By virtue of this subsection 4 which was amended when it was discussed in the House, you on your own initiative can do it. You can superimpose or insert yourself somewhere in the court procedure even though the rights haven't been exhausted, even though the time hasn't expired. You can stick your wedge-like nose into the matter and you are an alternative to the court system."

Why wouldn't anybody? I would. Why should I spend several hundreds or thousands of dollars to take it up to the Court of Appeal and the Supreme Court of Canada? I'm talking about only if the time is still open for the appeal. If the time has gone by that is another thing. I would be afraid the public perception would be, "You've got the express right and, by golly, if you don't do it for me, you are not doing your job."

I think the Ombudsman can say to that person, "You go home and wait until your time has expired, which will be next Thursday. You come back and I'll take a look at it then." They already have that right.

Or, if he was genuinely persuaded that a person simply could not afford it because of the financial ramifications—and there are many who cannot—if I was talking for Mr. Maloney—and I'm not—I would perceive him saying, "If I get my nose in this today I'm really sticking my nose in the court process because the doors are still open for appeal and you are not the only party to this matter. The other party or parties may wish to appeal. Here is the date the appeal runs out and I am going to wait until after that. You've convinced me you cannot afford to take it any further. I'm going to wait until the date for appeal goes by and the matter is finalized at that point. Then I am going to have a look at it."

If he was persuaded I think he would step into it but I want to make it clear that we don't want him as an alternative to the courts. Why go to the courts and pay the money when you can go to the Ombudsman and have him do all your work for you? I don't perceive him as being a champion for the individual in the courts. I see him being a champion for the individual who has no recourse to anybody, except to be confronted with frustration.

Those are the only observations I have. I have one last one, I should say. It may be somewhat prejudicial and I appeal to the member for Riverdale on this basis: If the time hadn't gone by for a party to a proceeding to appeal and the Ombudsman was persuaded to intervene or look into the matter, could this not end up as a kind of an information gathering or fishing expedition for future court action? If I had litigated against you in a court in this province and I was successful at trial and you had a number of days to appeal—I was happy with the outcome. As a citizen, I would be extremely annoyed to think that my government dollars are going to allow someone, a government servant or servant of the people, to come in and perhaps direct his staff to look into the matter and then to find on the 14th day that it's reported out to the opposite party in the lawsuit, "Yes, we think you did get a bad deal in the lower court," and on the 15th day to have the complainant or the defendant—whatever role the member for Riverdale had—say, "Fine, I'm going to appeal. The Ombudsman helped cut through a lot of morass and got me information for my appeal."

I'm concerned about that. I know the Ombudsman is not going to do that; he's not that naive, but I wonder if the other party to the lawsuit would believe it. I would, therefore, ask the member for Riverdale seriously to consider withdrawing the amendment to subsection 4 in that, with the greatest of respect, I say the proposal he puts forward already exists in the legislation before us.

**Mr. Renwick:** Mr. Chairman, I thought the minister was doing much better until he had that afterthought. That's exactly the problem. The government already, in the language which the minister used, assumes that in some way this new institution of government is to be, as we are, subject to the unusual power of the executive, but this must be—and I use his language because he corrected himself—a representative of the people, an officer of this assembly representative of the people, an officer of this assembly related to people in this assembly who represent people, not the executive power.

The Ombudsman is to provide protection for the citizen against the executive. The executive has got lots of power and is not going to be hurt, if in the extreme situation somebody could say that the Ombudsman had gone on a fishing expedition and had got information which was later available in a proceeding in the court. He isn't going to go on that kind of a fishing expedition in the first place.

Secondly, even if he did go on it and the matter was to be decided in the court, I would accept the position of the court on that question rather than have what is inherent in the words of the minister—a failure to disclose information to a citizen of the Crown if there is a matter in dispute with him. That's the implication I took from what I refer to as his afterthought and I think that didn't help the argument.

I don't have any problem with the first argument. If in fact there is time limitation on a proceeding which a citizen can take, and that time has gone by and the citizen has no remedy, quite clearly the section connotes the possibility that the Ombudsman, if he decided to do so, could make the investigation. Whether the effluxion of time was by inadvertence or whatever the reason, it could still be opened by the Ombudsman, knowing full well that there was no reference to the court available or no reference to any other body available to that citizen. That's quite clear. I have no problem with that.

We now come to the second point which poses very serious problems to me, because what the amendment was designed to do was



to provide some degree of flexibility, recognizing that in the first argument which the minister put to me no one will be able to go and say to the Ombudsman: "Now look, 10 days from now, my right of appeal is going to expire. If I let it expire, will you make an investigation?" The Ombudsman is never going to bind himself that way. Forgetting that situation, and talking only about where we need some flexibility, and ruling out the minister's third argument, we have so many situations that I don't think we can catalogue them all even if we were to spend the rest of our lives. We have situations which could arise under which a citizen would feel aggrieved because of maladministration in a government organization, as defined in the Act, and have the opportunity of deciding, where the decision becomes final, where he has no further right of appeal, whether it's to a body within the ambit of the government structure, or whether it's a body which we refer to as a court, or whatever the remedy may be.

So, assuming for a moment that I can't define them all, I therefore, of necessity, have to make a selection. I may be wrong, because of some section of a particular statute which someone can hold up to me and say, "Well, I haven't read such-and-such a section"—but that's not my point.

I want to try to put an example to you which I think would mirror within it many other situations by analogy, although it may not fit clearly and exactly—and the Minister of Community and Social Services (Mr. Brunelle) is in the assembly. The Board of Review, as it was originally known, which is now known as the Social Assistance Review Board, reviews entitlements—and they are now entitlements—of persons to assistance under the Family Benefits Act, the General Welfare Assistance Act, and that kind of decision.

That seems to me to be a very good example of the kind of classic case that I want to put, which could be mirrored in many other situations. You have a person who is either in receipt of family benefits assistance or has made an application for family benefits assistance to the ministry in the normal way. A decision is made in which the citizen feels aggrieved. Either he has been refused, or the amount has been determined adversely, or some deduction is about to be made which is unauthorized—or which he claims to be unauthorized—or he is not being given the opportunity—just a multitude of situations. I am sure the minister and those who sit on those boards of review know very well there are just a multitude of situations which can arise.

So, the first requirement that the minister referred to is fulfilled in that example. In all likelihood the person doesn't have a lot of money available for indefinitely pursuing remedies available to him, but he can go to the Social Assistance Review Board—and he goes to the Social Assistance Review Board, and a decision is made under which he again feels aggrieved for some reason.

Now, my understanding of the decision of the member of the staff of the ministry, which is subject to appeal to the Social Assistance Review Board, is that it is called by definition a statutory power of decision. This is separately defined under the Judicial Review Procedure Act of 1971, and is included in the definition of statutory power. I am not going to read them again, because I did refer to them on other occasions. Well, perhaps I will.

Statutory power means a power or right conferred by or under a statute to make any regulation, rule, by law or order, or to give any other direction having force as subordinate legislation.

That is one example. The second one is: "To exercise a statutory power of decision." And that's the one that my example, I believe, fits in. So I look at the definition of statutory power of decision, and that means:

Power or right conferred by or under a statute to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person or party.

As I say, I assume that a citizen in Ontario has a legal right to assistance under the Family Benefits Act if he meets the requirements as to need under the statutes and the regulations of the ministry—that is a legal right. So, the decision made about his benefits is a legal right, the decision is reviewable by the Social Assistance Review Board by way of appeal, and that reinforces that it is a legal right. The decision is such that it comes within the phraseology, "statutory power of decision." And it is exactly from that kind of decision, which that citizen would then have available to him, using the terms of subsection 4 of section 15, item (a):

In respect of which there is, under any Act, [that's the Family Benefits Act] a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, [etc.]

So I would say that in that situation—which I am using for example purposes because (a), I think it is clear and precise that it falls



within this framework; and (b), because it is illustrative of many many other situations, a multiplicity of situations which none of us could dream up—I would say that in that situation the Ombudsman would not have any authority whatsoever to deal with that matter, even if he wished to do so, until that citizen had taken the course of applying to the divisional court by way of originating notice of motion for the purpose of having the merits of that matter decided, or the question decided as to whether he had a proper hearing, or as to whether or not the matter was within the regulatory authority of the regulations under the Family Benefits Act or whatever the other reason was, to have it reversed if necessary or to be sent back for reconsideration.

I think there was such a case quite recently. I don't know whether it is reported, but I certainly received a circular—as all members did—of the decision of the court in Ontario which sent a matter back, as I understand it, dealing with the eligibility of a 16-year-old boy, I believe it was, with respect to a question of his learning capacity and his ability to learn; the matter was taken to the court and was referred back to the either the Social Assistance Review Board or to the minister or to his department for reconsideration or reassessment in the light of what the court had said.

As I say, that's the kind of example and that's why I say that we do require the limited flexibility which this amendment proposes to be used by the Ombudsman if, in his opinion, it is warranted. You've got to give the Ombudsman credit for exercising judgement and discretion about such situations, and it is that kind of situation where I think the proposed amendment would give the Ombudsman what I consider to be necessary. I simply wish to add, and I want to repeat because it is at the end of the argument that I am making—and if I may interject again, I am not worried about the legislative language of it; anything that will accomplish the purpose is fine.

Provided that the Ombudsman may conduct an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied in the particular circumstances, it is not reasonable to expect the person aggrieved to resort to or have resorted to it.

As I said the other night, I simply extracted that language from the statute of the Parliament of the United Kingdom establishing the Office of Parliamentary Commissioner for Administration, because they recognize the essen-

tial need for that kind of leeway for their ombudsman.

It seems to me—and I will await with interest what the minister has to say about it—it seems to me that in the example which I gave, you cannot place each citizen who may avail himself of the opportunity to apply to the government for family benefits assistance, general welfare assistance or other eligibility—you can look at those regulations, which are published, and you can see how difficult it is for anyone to know whether the regulations are correct or not correct and they can only be sorted by process of appeal—you can't place those citizens in the position where they have to go to the review board and then they have got to look around and say: "Oh yes, if I have grounds to do so, I can go to the divisional court."

As I say, I don't think the Ombudsman is going to go on a fishing expedition. I don't think, secondly, that he is going to exercise this power, stated as it is, as a proviso except in situations where he feels—and I mean "feels" in the very real sense of the term—that it is only right and proper that that particular citizen should not be put to either any more expense or the need to exhaust his remedies.

I consider there is immense merit in this flexibility, and I feel sufficiently strong that it falls in the same category as the one which the minister accepted a few minutes ago that if he doesn't accept this, we will have to divide on it.

In all fairness, if the Ombudsman is going to perform his function, the bill has got to provide some alleviating provision against the immense rigidity which will come into the bill, because we have passed another bill in which we tried to reinforce the rights of citizens. But to say that there is only one path, and that that path must be followed to infinity before the Ombudsman can move, is not my version of the way in which the personal relationship of the Ombudsman to the citizen should be maintained.

**Mr. Chairman:** Before the hon. minister responds, the hon. member for Peel South would like to introduce some visitors.

**Mr. R. D. Kennedy (Peel South):** Mr. Chairman, on behalf of the member for Elgin (Mr. McNeil), who is downstairs in committee, I would like to welcome students from Assumption School in Aylmer, with their person in charge, Mr. VanDyke. Would the hon. members join me in welcoming this group to the Legislature?

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Clement:** Mr. Chairman, I don't think there's a philosophical difference between the member for Riverdale and I on this issue at all. I think there is a legal separation, if I may use that phraseology, which perhaps makes both the member and myself a little nervous.

I am sorry, I don't understand the obviously very fine legal distinction he is drawing—and I have listened with interest, both today and the other evening, when he expanded on this to some degree—because subsection 4, as I read it, is a barrier to the Ombudsman under certain circumstances and he is without jurisdiction on the face of it. Subsection 5 will allow him to apply to the Supreme Court and so on if there is a question.

**Mr. Renwick:** Yes.

**Hon. Mr. Clement:** All right. He is not a substitute for the court—and I am not attempting to put words into the member's mouth by saying that he is saying that; he is not saying it. I want to make this clear for those members of the House who are perhaps listening and haven't been following this as long as the member and I have. The Ombudsman is not a substitute for the court; so, in order to see if he has jurisdiction in a legal sense, he has to determine if there still exists in the citizen's legal pouch a right of appeal or objection that still exists in terms of time or whether indeed he has a right to apply for a hearing or a review on the merits of the case—and that is very important wording—be it before a court or a tribunal. He has no jurisdiction up to that point until the matter has been dealt with by that appeal tribunal or appeal court or until the time for appeal has expired.

I don't think any court called upon for a declaration under subsection 5 is going to say: "Mr. Ombudsman, I don't think you have jurisdiction, because it seems to us the citizen who came to you really should have brought a mandamus application or an application for an extraordinary remedy. Not having opted to take that course he has not therefore exhausted all those rights available to him."

I think one has to read it on the merits of the case, and that's the crucial phraseology. I am not trying to be obtuse about this, Mr. Chairman, but there is a time limit for appeal, as I understand it in my own mind, for just about everything. There is a limitation otherwise these things would go on ad infinitum.

I know there is nothing to preclude my bringing an application before the court for a mandamus to compel the building inspector of the city of Niagara Falls to issue a build-

ing permit he refused to issue in 1940. I could bring the application, but when I get in that court I am going to be told I am out of my skull. The time ran out in 1940 plus a week or something. You can't keep people from going to the courts but very often, as the hon. member readily appreciates, the court says: "We are without jurisdiction because of the limitations. Don't be so silly; get out and get along with your business."

I think the idea of the legislation as it presently exists is to make it clear the Ombudsman is not a substitute for the court. He is not to step in and start to assume the role of the court or the tribunal or whatever judicial group is involved in the process. Not only is that there for the direction of the Ombudsman, it is there for the direction of the public.

Once that time goes by and the member of the public wants to come forward there is no question about that aspect at all. I don't think the Ombudsman should interfere in matters progressing through the court; I don't think he should take that role until the time for appeal has expired. If he feels strongly enough about it he can still go ahead and look in and investigate the matter on his own motion. But while that thing is still legally or judicially alive, until that spark is extinguished by the passage of time, he is functus. Once the time has gone by then he has jurisdiction if he decides it is worthwhile looking into.

I am really at loggerheads with the member for Riverdale, not, as I say, in the philosophical approach, by my reading of the section and his obviously are at variance. I don't see—I don't know and perhaps the member could assist me: Does he know of any legislation or any remedy which doesn't have a time limit on it when the matter has been judicially dealt with, whether that judicial dealing consisted of a court or a judge or a tribunal? Is there any statute the member is aware of, he can help me by pointing it out, that is open-ended?

**Mr. Renwick:** No.

**Hon. Mr. Clement:** Insofar as appeal time is concerned?

**Mr. Renwick:** I am saying—I may be quite wrong—I think the right of appeal of a recipient under the Family Benefits Act is open-ended. As I recall it when a person has applied for family benefits assistance and is aggrieved by the result, I don't think there is any limitation on the time during which he can appeal that decision to the Social Assist-



ance Review Board. I stand to be corrected but that is my understanding of it.

Secondly, so far as I read the Judicial Review Procedure Act, it is open-ended. There is no time limit on a person to make an application to the court for judicial review of a decision. Again I may be wrong, but that is my understanding of it.

Assuming for the moment that I am correct, I don't quite know why the minister and I have differences. While he was speaking I was listening to him and refreshing my mind about what the Judicial Review Procedure Act says. It is a fascinating booklet.

The primary objective is to establish a single form of proceeding relating to the performance or exercise of statutory duties and powers. The result is the new application wholly supplants proceedings by way of the traditional prerogative writs. The scope of the application for judicial review is given greater precision by two definitions: (a) the definition of statutory power which has four headings, one of which is itself subject to further definition, namely, the words "statutory power of decision."

They are very wide in their terms, all embracing, these matters which can be subject to judicial review.

I mentioned the other night that it's clearly stated in the words of Mr. Mundell that the whole idea is to do away with the distinctions in administrative law by judicial, quasi-judicial and administrative decisions so that you get away from all that hangup that has bedevilled administrative law. Then it talks about the grounds for seeking relief on an application for judicial review. There are three grounds, and I am not going to recite them all, I am going to refer to the one that I am interested in and what I referred to as the classic example that I have been trying to put. The grounds for seeking release may be conveniently considered under three headings. I am selecting the second one: "Grounds for orders prohibiting or restraining the exercise of powers of decision or for setting aside a decision." Those are matters dealing with, I think, the merits of the case.

Then it goes on and lists any number of situations where that relief has been recognized traditionally by the courts and itemizes, from items (a) to (k), the situation. For example, in making its decision the tribunal applied principles or took into account considerations extraneous to those applicable or appropriate to be taken into account under the Act conferring the power of decision. Or again, the tribunal failed to comply with

procedural requirements; that is not likely to be the case any more, but we always run into those situations. There are 13 of them listed:

It says, "As already indicated, one former ground for relief has been extended and one new ground has been added."

He refers to the one that has been extended at some length, then he goes on to talk about the new ground for relief by way of judicial review where the findings of fact of a tribunal made in the exercise of a statutory power of decision, which is the all-embracing definition, are required by any statute of law to be based exclusively on evidence admissible before it and on facts of which it may take notice. If there is no such evidence and there are no such facts to support findings of fact made by the tribunal in making a decision, the court may set aside the decision on an application for judicial review; and there is an earlier one as well.

All I am again saying is that the Judicial Review Procedure Act was drafted in such omnibus language for the purpose of removing the anomalies and providing a broad remedy by way of judicial review in the widest possible circumstances. I am simply saying that in the example I gave one must look at the section we are talking about and the way in which the language is phrased. Subsection 4 of section 15 states: "Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission . . ." that is very powerful exclusionary language which is used in the opening of that section:

In respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review on the merits of the case to any court or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case.

If in the example I have given there is no time limit for taking those actions—there is no limitation period—I would say the Ombudsman may say: "I think it's ridiculous. I don't think you should be required to exhaust those remedies. I think the opportunity is there for me to mediate this matter, not in substitution for the courts at all but to carry out my investigation of this thing. I may agree it makes sense to do so but I'm precluded until you make your application to the divisional court for a judicial review of that situation."

That's the only purpose of my amendment. It has no other purpose. The minister, as



he said, is not imputing to me that I'm saying it's a second road as an alternative of the court. I'm not implying that. I'm not saying **the Ombudsman is going to use it as an alternate**; I am simply saying you've got to relieve against the inflexibility of the statute, of the office of the Ombudsman, by saying: "Not in every case; in practically all cases you are required to go to the infinity of exhausting all your remedies before you can go to him, but in some cases, when he is satisfied in the particular circumstances, it is not reasonable to expect the person aggrieved to resort or to have to resort to it."

That's what the amendment is designed to say; it's just that little bit of elbow room which will make the statute work. It will make it reasonable and fair and will provide for those very people who, until quite recently, had claims or applications available to them against government but couldn't enforce any rights.

I'm sure the present minister will recall some years ago when the government first established the Board of Review—not for the purpose of providing a right of appeal to the citizens of the province but for the purpose of complying with the provisions of the federal Acts so it could get the money—we sat here until 3 o'clock in the morning before the government would agree to say: "Not only are we conferring the right of appeal, but we'll send everybody a notice."

That's all we asked, that now there was a new right of appeal, it would give everybody a notice that there was a right of appeal. We sat here until 3 o'clock in the morning because the government didn't want to recognize that applicants for family benefits assistance—I forget what the statute was at that time—were not supplicants but were persons who by law were entitled to rights. Once you permit an appeal, since the substance of law is in appeals, you have recognized the right and that's what the Social Assistance Review Board, as it now is, does.

It's a legal right and it's a decision which falls within the purview of the definition of statutory power of decision. That kind of decision is a clear road to judicial review by a citizen who is aggrieved, to the divisional court.

Your statute says in each and every case you're excluding the Ombudsman from making an investigation, regardless of how unreasonable it may be. I think that's wrong and I think you should give us the little bit of elbow room we require to provide equity to the rigidity in the way in which the situation is phrased. The minister knows as well as I do that laws have to be clear, but laws

also have to be tempered by those provisions which permit the exercise of some equity in difficult situations.

**Hon. Mr. Clement:** Mr. Chairman, I am not knowledgeable enough to be able to say to the member here today that every statute within this provision has a time limit in which someone can appeal, because then I would be, I suppose, presuming that I am familiar with every statute and the contents of it, and I don't make that statement because I am not qualified to do so. As an example, you pointed out the Family Benefits Act, or whatever one it was there you referred to—yes, the Family Benefits Act—and I would point out that in the Civil Rights Bill, 1971, a 30-day time limit is set forth in that.

**Mr. Renwick:** Subject to extension.

**Hon. Mr. Clement:** It can be, in fact, extended by the board either before or beyond that 30-day period if there are reasonable grounds and so on to allow the extension.

You've awakened in my mind memories of some private matters in which I was involved while practising law. It seems to me that there are common law remedies, certainly there are remedies at law, both legal remedies and equitable remedies, which of course have no basis in a written statute form but are traditionally there. But they too have always been subjected to criticism by the courts on the basis of lapses and delay, and the case law is quite ample in those regards.

I just can't think of any statute that doesn't have a time limit for appeal, either in terms of rules of practice or statute, but I'm not going to say it doesn't exist, and you may well be right.

**Mr. Renwick:** Unless somebody can tell me otherwise, I think the judicial review has no limit.

**Hon. Mr. Clement:** That may be, I just don't know. A lot of those things, of course, are not necessarily on the merits; a lot of those are on technical grounds too, where you may have a remedy which is really without bar for very good technical reasons, but not necessarily on the merits of the case.

**Mr. Renwick:** Oh yes, I agree. Some of the substantial decisions are procedural, but others are substantial on the merits.

**Hon. Mr. Clement:** I'm not trying to be adamant or difficult on this, I am really concerned. If the amendment proposed by the member for Riverdale is acceded to, I am concerned that it will be regarded by the

public and perhaps by some Ombudsman in the future—certainly not the one we have been mentioning here in the last few days—as an alternate route for him to take on his own volition under certain circumstances as he or she, in their very good judgement, sees they apply.

It will be an alternate route to the courts, and I want to make it most clear that I don't subscribe to this statute and the role of the Ombudsman as being such an alternate route. I just don't subscribe to that philosophically. I don't, and neither, I know, does the member for Riverdale—he has made it clear here today—but we may not always be around, particularly here, and someone, someday may see that as the role of the Ombudsman.

That is why philosophically, really on a legal basis, I cannot accede to his suggestion. When the time has expired, there is no question in both our minds—I think we are on the same wavelength—there is no question he's got jurisdiction if he wants to assume it.

The merits of the thing may not awaken his interest and so on, but I put it to the member for Riverdale now, on a practical basis; remember, he is not reviewing commercial activities downtown, he is reviewing the alleged interference or malfeasance or nonfeasance of someone working for the government of Ontario. Be that person a minister or right down to the bottom of the scale, some citizen comes forward to the Ombudsman and makes some complaint. Surely no civil servant or minister is going to say to the Ombudsman: "You know, there are some extraordinary remedies under the Judicial Review Procedure Act that this person has not explored and you are barred." If anybody did this, I would imagine the hackles on the back of the neck of the Ombudsman would immediately rise and he'd say: "Are you trying to hide behind a legal barrier, because I intend to stick my nose into it anyway."

Now if there was just complete lack of co-operation the Ombudsman has the right, of course, to apply to the court to have the matter tested by the court as to whether he has jurisdiction; and if the court, because of the evidence before it, ever came to the conclusion that in fact we did not have jurisdiction, that the civil servant was correct, the roof would be off of this House, and rightly so.

I personally would oppose the Ombudsman if he tried to stick his nose in while the matter was still subject to appeal. But that's another issue, and I don't think anybody is going to argue with me on that; he should

not do that. But the practicalities are such that the people he is going to monitor and whose activities he is going to look into simply have to respond. Those are the practicalities of it. If not, the Ombudsman can either go to the court or he is going to come to the House, but he is going to deal with it.

I put it to the member on the two bases. On a legal basis, I don't want him considered—the member or me—I don't want him considered by the public as an alternative to the court system until the time has expired. If there is no such time limit expressly set out in the statute under which the person is involved with government, then I say from a practical point of view, no one can simply put up the barrier and try to say, "Technically, I think you are wrong."

I can tell the member that within my ministry—and forget my role as the Attorney General—if I was any other minister, I would say: "Co-operate with him. Find out what's wrong. Let's correct the wrong." The government has to be responsible and responsive to the public. That's what elections are all about, but that's another issue. That's all I have to say, Mr. Chairman.

**Mr. Renwick:** Mr. Chairman, these are my last words on it. I don't really think I can be asked to accept that kind of an argument. A few minutes ago the minister was telling me he didn't want the Ombudsman going on a fishing expedition. Now he is suggesting in a sort of PR way that if the minister were to be approached by the Ombudsman, he wouldn't stand on the legal position at all, but he would say: "Well, come on right in and look around. You may not be entitled to, but come in and look around. We will straighten everything out."

That's all right. I am not suggesting for a moment that in many ways that isn't likely to be how any wise and skilful minister—if he wants to survive for the length of time that the Provincial Secretary for Resources Development (Mr. Grossman) and the Minister of Colleges and Universities (Mr. Auld) have survived in the cabinet—goes about things, that he doesn't stand on legal rights. But the minister is talking about the responsibility of the Ombudsman to so develop the practise of his office within the terms of the statute which give him that right.

Unless I am so far off base that it's inconceivable to me, although perhaps conceivable to thousands of other people, one of the questions that will have to be answered under the Family Benefits Act situa-



tion, using the example as I have, is that he is going to say: "Have I got the power?" He is going to be faced with the Judicial Review Procedure Act and he is going to have to decide whether or not he's empowered in that situation.

[We are not talking about the right to go there having gone because of the effluxion of time. I am saying that as far as I know, consistent with what the minister says, that no Board of Review is going to refuse very many people the right to an extended time of appeal to the Social Assistance Review Board. Secondly, if the matter has never been heard by the review board, certainly it's unlikely that that's going to happen. And, as I say, in the field of administration covered by the Judicial Review Procedure Act, I know of no way in which a time limit is set on those decisions.

There may be an ultimate time limit; I don't know. There may be five years or seven years, or 20 years—or something like that—but we are not talking about that kind of time limit. We are talking about the 15-day, the 30-day, the 45-day time limit—and there is no such limitation on judicial review.

I really don't think I can express it more clearly than I have tried to express it. I don't think we have come to a conclusion on it. I think, Mr. Chairman, that the time has come simply to divide on it, and hope that the division will alert the ministry to the fact that in the next year or two they had better come back with this provision in the bill.

I think that if one assumes, in the hazards of life, that the present Ombudsman-designate is going to hold his office for a full 10 years—the government has selected him to do so—what better way in which to establish the body of procedures and precedents in the way in which he goes about his office than to have a person, such as the Ombudsman-designate, in the office for 10 years under a statute which clothes him in the kind of loose-fitting clothes, but sufficiently definitive in form, to permit him to do his work, rather than to encase him in an ancient knight's armour, or in some more rigid straitjacket than he need be in.

And that's, I think, what we want. We want a flexible instrument of government, wisely exercised under a statute which is just right for the purpose. This statute is flawed for the purpose if this strange proviso is not inserted in it.

The committee divided on Mr. Renwick's motion to amend subsection 4 of section 15 which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 24, the "nays" are 38.

**Mr. Chairman:** I declare the amendment lost.

Section 15, as amended, agreed to.

On section 16:

**Mr. Chairman:** The member for Riverdale.

**Mr. Renwick:** Mr. Chairman, on section 16 may I raise with the minister a specific question first of all on subsection 2, which states that all rules made under this section shall be deemed to be regulations within the meaning of the Regulations Act. This is a technical question—does that mean those regulations will be filed and will be published in the Ontario Gazette? I want to make certain that is not only the intent of the language but the language is apt to accomplish that purpose.

**Hon. Mr. Clement:** Yes, your understanding is correct.

**Mr. Renwick:** On the first subsection of the bill, with respect to the assembly making the general rules for the guidance of the Ombudsman in the exercise of his functions under this Act, my question is to the ministry. Has the ministry any suggestion or recommendation or does it have any conception or recommendation—please don't tell me the rules are to be made by the assembly—as to what the framework of those rules will be or should be for the purpose of providing the relationship to the assembly which is fundamental to the role of the office of the Ombudsman?

Specifically, has it any intention in those rules—again, always remembering that the assembly makes its own rules but for some reason or other the government seems always to have its hand in the application of the rules, as was shown in the standing committee on social development a few minutes ago—to do what is done in the House of Commons in England—not in the bill but in the House of Commons—to establish or to recommend to the Legislature the establishment of a select committee of the assembly which will deal with reports of the Ombudsman; have the opportunity therefore to meet with the Ombudsman; have the opportunity to discuss with him the substance and nature of the reports—rather than to limit the assembly in dealing with the substance of his reports merely to the formality of dealing with the Ombudsman through the office of the Speaker when the appropriation comes before the assembly for the votes.



I want to urge upon whoever makes up the rules the essential requirement that he look at what the House of Commons does and what the select committee of the House of Commons does in response to and as part of the carrying out of the function of the Ombudsman. I happen to have the second report from the select committee on the parliamentary commissioner for administration; it is not entirely up to date but it is illustrative of what I am talking about.

The government in the United Kingdom, undoubtedly on motion of the government at that time, established a select committee which is sitting all the time. I gather it's more or less a permanent one, reappointed, of course, with each new Parliament, but it's part of the tradition that the reports of the Ombudsman and recommendations of the Ombudsman go to that select committee for consideration. They make their report and this document is, strangely enough, the next part of it. The select committee makes its report back to the House of Commons in England and the government issues its observations on the recommendations made by the select committee, after having discussed with the ombudsman or the parliamentary commissioner his reports and the cases with which he has dealt from time to time, and the government responds.

God forbid that I would think for one single moment that a Conservative government would establish that kind of responsible procedure to be allowed. Could I urge upon the ministry it has an obligation, if it has the carriage of this legislation in this House, that surely to God we can't be placed in the position simply of referring this matter in some distant time in the future to the procedural affairs committee of this assembly in order for it to come up with rules, without some help from the ministry as to what happens in other jurisdictions and particularly in the United Kingdom.

My second point on the first part of it is, assuming as I do that the Act will come into force on a day to be named by the proclamation of the Lieutenant Governor; and assuming as I do that the government would not want to go to the people without this particular jewel in its crown—blemished and flawed as that jewel obviously is in our opinion in some respects—without having proclaimed the Act in force; and presuming as I do, from what Mr. Maloney said, that he's spending his time now winding up his affairs so he will be available on Sept 1 to take on his duties—which happens to coincide with some people's views about the approxi-

mate time when the writs will be issued for the election—when are these rules going to be made so that the Ombudsman from the inception of his office in law as a member of this assembly, will have the benefit of these general rules for his guidance?

That, of course, raises the other interesting question. At what point in time is the Ombudsman going to have the oath administered to him? I presume, consistent with the election timetable of the government, that one of these days before July 4—and wouldn't it be interesting if the day of the Declaration of Independence in that great republic to the south will the day on which the Ombudsman was installed, and how significant and how correlative it is to the Shriners' appearance here on July 1—

**Hon. Mr. Clement:** Firecracker day.

**Mr. J. R. Breithaupt (Kitchener):** That is another location.

**Mr. Renwick:** I made an aside the other day which I think is worth repeating for the purpose of having it recorded. There'll be more people at the Shriners' celebration here on July 1 than on the day on which the government of Ontario formally joins the United States. I would suggest that perhaps July 4 is not the appropriate date for the Ombudsman-designate to appear before the assembly. I assume he is going to be sworn in before the session prorogues and I assume that on Sept. 1 he's going to take his office. I'd like to know, when are the general rules going to be prepared under which he's to conduct his office? I think those are significant questions and I would hope the minister is able to respond affirmatively to each of them.

**Hon. Mr. Clement:** Mr. Chairman, I am putting forward a proposal that a committee of this House—an existing standing committee—or a new committee of this House be created to develop the rules forthwith. Whether that committee should be a standing committee or whether it should be a select committee, I don't know which form it would take.

If the House did prorogue on the date announced by the member for Riverdale, namely July 4, and the Ombudsman were sworn in by that date, I would think by the very nature and by the timing probably a select committee would have to be created to work over the summer weeks with him in the creation of those rules. If the House continued through the summer, perhaps the standing committee could be the route that

would be followed. I want a committee of this House to develop the rules required. It will be a continuing committee, as I see it, not necessarily meeting constantly with the Ombudsman but from time to time as the need develops.

The Act does indicate that he can determine his own procedures but, of course, he cannot determine his own rules nor should he. It will be the committee concept. I will perhaps be in a better position to advise the member once I get an indication of when we might conclude this debate—I am not talking about the debate now—but hopefully I can get back and respond with a little more clarity and detail within a week or 10 days from today as to what type of committee should be created.

I am aware of the select committee system in the United Kingdom. I see the role of the committee being to develop the rules for the Ombudsman and I would presume he would be an integral part of that committee in terms of being in attendance and pointing out what he thinks he might require. It wouldn't serve much purpose to develop rules which his experience indicates he can't work with or are impractical. I think it'll have to be a co-operative type of situation.

The Act does indicate very specifically that he shall take his oath here in the House; as to a date, I just don't have one yet. I presume it would have to be before the House rose. That's all on the basis, of course, that there is going to be a general election within the next few months. It may be that that general election may not come for a year so I am sure in this fall or next spring we'd have a lot of time to have the oath administered, and this sort of thing, in this particular House.

**Mr. Renwick:** Mr. Chairman, let me say what I think the timetable should be in the interests of the Province of Ontario and not in the interests of the Conservative Party.

**Hon. Mr. Clement:** It is the same.

**Mr. Renwick:** It's long overdue that we have an Ombudsman in the province.

**Hon. Mr. Clement:** He heard that. He just ignored me.

**Mr. Renwick:** I got that.

**Mr. B. Gilbertson (Algoma):** But he is smiling.

**Mr. Renwick:** It's long overdue so I would suggest the following timetable, if I may: The Act be proclaimed as soon as it has

completed third reading in the House because the Ombudsman can't be sworn in until the Act is proclaimed; that he be sworn in before this session prorogues and not await the ultimate disposition of a dissolution and next year sometime we will have the Ombudsman sworn in; and that a select committee be chosen.

The distinction, I think, is now clear, having had the benefit of the advice of a person whom I am told I can't ever name in the assembly. My comments on second reading of the bill were correct—it is a select committee. The select committee can sit any time and the strange idea that select committees can sit only when the House isn't in session is entirely wrong; whereas a standing committee is eliminated whenever the House is not in session.

I think it has to be a select committee and I think the select committee has to sit immediately. I think it has to have the rules settled and promulgated for the time when the Ombudsman sort of takes over—which I take it to be, given the necessities of winding up affairs, on Sept. 1 or thereabouts—and is in business not later than Sept. 1. I would urgently ask that once this bill is passed the Attorney General's office does not immediately say that this is a problem for the Ombudsman and for the select committee but the select committee should have the benefit of the assistance of those in the ministry who have worked on this particular bill, in the hope and anticipation that the procedure followed in the House of Commons in the United Kingdom with respect to that Parliamentary Commissioner be the procedure which is adopted here. That is, having a select committee, the ones who make the rules, continue to sit as a select committee indefinitely during the lifetime of each Parliament. We can't cover the period of the election but we can get by all right during that 40-odd-day period. I urge the government to be prepared to adopt the procedure of the select committee making its report and then the government feeling under an obligation to respond to it. I would hope that would be the course of events.

I do not think it should be the standing committee on procedural affairs that should be charged with this responsibility. It should be a select committee, which in its first functions, in a continuing sense as a body, would have the obligation to prepare these general rules and promulgate them, of course, in consultation with the Ombudsman and with the advice and assistance of the minister's ministry.



**Hon. Mr. Clement:** Mr. Chairman, I have noted the member's remarks and I cannot take exception to the bulk of them. I think there has to be some definite procedure outlined very quickly for the reasons set forth and, as usual, I bow to his suggestions in these matters. If my staff will obtain a copy of the Hansard that is being recorded at this very moment, perhaps it might form the backbone of the creation of the committee. If it's successful, I, of course, will take credit for it. Should it not be successful, I will be sure to point out to those who criticize whose brainchild it was.

**Mr. Renwick:** Well, at least share the responsibility if it is a disappointment to you. My shoulders are not broad enough.

Section 16 agreed to.

On section 17:

**Mr. Chairman:** The minister has an amendment on section 17.

**Hon. Mr. Clement** moves that section 17(2) of the bill be amended by inserting after "institution" in the third line, "or training school," and by inserting after "institution" in the last lines, "training school."

**Mr. Renwick:** Mr. Chairman, on section 17(2), I am going to take it that the minister has responded to the comment made on subsection 1 by my colleague, the member for Sudbury, and of course he will speak if he wants to make any further comment about that aspect of it.

I do not think that one can adequately understand subsection 2 unless the minister is prepared to comment pretty categorically about two aspects of it. One, it cannot be read except in conjunction with the extraordinary power contained later in the bill with respect to the exclusion of the Ombudsman from any premises. Section 26 of the bill grants the Ombudsman power to enter any premises of any governmental organization and inspect the premises and carry out any investigation within his jurisdiction. He has to give notice, of course; which we can talk about at that time. But the section also says:

The Attorney General may by notice . . . exclude the application of subsection 1 to any specified premises or class of premises if he is satisfied that the exercise of the powers mentioned . . . might be prejudicial to the public interest.

Well, the public interest, in the eyes of every government, is quite elastic and it is not a sufficient protection.

**Mr. Stokes:** Therefore the interests of the government and the Conservative Party are synonymous.

**Mr. Renwick:** When we come to this particular section, section 17(2), we are preserving or establishing the right of any person who, by virtue of the authority of laws of this assembly, is in an institution under the control of the assembly and in which his personal liberty is curtailed. I think that's the purpose of it.

It would appear to me that if that line of communication between a person in any such institution is to be preserved, the ministry between now and the time we get to section 26 has got to consider an exception to section 26 that would preclude the Attorney General from ever designating one of the institutions within this province under the control of the government in which a citizen might, at any time, be held with his liberty curtailed. I don't think you can, under any circumstances, give any meaning to the communication between the inmate and the Ombudsman and the privacy of that communication, unless the Ombudsman knows that he can go to those institutions.

The purpose of section 26 is probably different and, therefore, the ministry, by the time we get to that, should have no problem in putting a limitation on the power of the Attorney General to designate premises as not being open to inspection by the Ombudsman, to make certain that the Ombudsman has complete access to the provincial correctional institutions, or to the hospitals, or to the training schools, and I would also like to know whether it covers other institutions in the province. Does it cover all of the jails? Presumably it doesn't cover the detention cells at a police station, but it must, I presume, cover the Toronto Don Jail, for example.

**Hon. Mr. Clement:** I wish to put forward the amendment that has been read to you by Mr. Chairman for the reason I indicated, I think, somewhat privately to the member for Riverdale the other day. As I understand it, our correctional institutions Act does not include the phraseology, "training school," and it's the intention that, of course, it apply to people in training schools as well as correctional institutions and psychiatric facilities.

We'll deal with the matters referred to in section 26 when we reach that point. I do have a specific situation in mind whereby I may, in section 26, be able to demonstrate—hopefully successfully—to the member for Riverdale that it may be in the public



interest in one or two instances. It certainly is not in the public interest if the Attorney General just refuses point blank to allow the Ombudsman into these institutions referred to in section 17, because you're just emasculating the whole strength of the section.

**Mr. Renwick:** That's the point I was hoping to cover in section 26.

**Mr. Chairman:** Does Hon. Mr. Clement's amendment carry?

Motion agreed to.

Section 17, as amended, agreed to.

On section 18:

**Mr. Stokes:** I have one comment, regarding subsection 3 of section 18, which reads:

In any case where the Ombudsman decides not to investigate or further investigate a complaint he shall inform the complainant of that decision, and may if he thinks fit state his reasons therefor.

Why didn't you put "in writing" in there? Why didn't you state "in writing"? Why doesn't he inform the complainant in writing that he is not going to pursue the case?

**Mr. Renwick:** If you move the amendment, he'll accept it.

**Mr. Stokes:** Why didn't you put "in writing," as you did in section 17?

**Hon. Mr. Clement:** Are you referring to the reason that he is refused?

**Mr. Stokes:** Yes.

**Hon. Mr. Clement:** I guess I must have been persuaded by the member for Sudbury in the argument that he put forward the other night. It may well be that it should be in writing. I have no strong feeling one way or the other.

**Mr. Stokes:** May I so move?

**Mr. Renwick:** After the word "complainant."

Mr. Stokes moves that section 18, subsection 3, be amended by inserting the words "in writing" after the word "complainant" in the third line.

**Hon. Mr. Clement:** I'd be happy to accept an amendment from you. You know, it's refreshing to talk to you. I've a feeling that the member for Riverdale and I just can't keep meeting like this much longer.

**Mr. Stokes:** I've been listening and I thought there was too much of a monopoly, so I thought I had to intervene.

**Hon. Mr. Clement:** All right. Fair enough.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): You thought that dialogue wasn't getting in place.

**Mr. Chairman:** The member for Sudbury on section 18?

**Mr. M. C. Germa** (Sudbury): Yes. Section 18 says the Ombudsman "may if he thinks fit" states his reasons for rejecting a complaint. I think everyone who goes to an ombudsman has what he considers is a legitimate complaint, because no one goes there and puts himself to this trouble unless he is plagued by some matter.

I think it would be unfair for the Ombudsman just to say, "Well, I'm not going to investigate your complaint," and he, therefore, does not have to give a reason. If it is some legitimate reason, such as that he hasn't pursued all the avenues readily or presently available—appeals, procedures—well, the Ombudsman should tell him so. If the Ombudsman says it is a frivolous complaint that is being lodged, then the complainant should know, I think. I think it should be mandatory that the reasons be stated why the Ombudsman rejects a complaint or decides not to investigate.

**Hon. Mr. Clement:** I have to explain why that is in there. It could be very harmful to the public interest if, in all instances, he did. Let me tell you why it might be. An individual might complain about some treatment that he or she received, let's say by some agency of this government. That agency at that time could well be under very active investigation by, say, the Ontario Provincial Police. We may be alerted that something is wrong.

The right to respond to a victim and say, "I am not going to investigate it at this time because it happens to be that it is under investigation by the Ontario Provincial Police," by itself could be very destructive to the investigation. That is one of the reasons why, in my opinion, it should not be mandatory that he set out the reason.

Hopefully, the Ombudsman would not use anything but the real reason. There is no sense saying to that person, "I think your claim is vexatious or your allegation is frivolous"—when, in fact, it is not so. Yet I would hate to think that the Ombudsman, by the nature of the legislation, would be

compelled to give a reason for what I pointed out earlier.

It may be that the rules committee, if I can call it that—that we have been discussing in the previous section 2—may well come to the conclusion that, except in certain instances, a reason should be given. Fine, I would live with that. I think there should be that flexibility, rather than mandatory giving of a reason. I have only pointed out one illustration, and there are possibly many that would come to mind if one thought about it for some period of time; that would show that in the public interest it just might not be the best course of action.

**Mr. Chairman:** All those in favour of Mr. Stokes' amendment say "aye."

All those opposed say "nay."

I declare the amendment carried.

Section 18, as amended, agreed to.

On section 19:

**Mr. Renwick:** Mr. Chairman, I have no other comment to make on section 19 other than on subsection 6—"if in the opinion of the Ombudsman there is evidence of breach of duty or misconduct, he shall refer the matter to the appropriate authority."

I can't conceive of a situation in which the Ombudsman, if on the basis of careful consideration of a matter there is evidence in his opinion of breach of duty or of misconduct, wouldn't do that. But I think it should be obligatory upon him to refer it to the appropriate authority, and I would ask that the word "may" be changed to "shall."

**Hon. Mr. Clement:** I'd just like to explore this for a moment. What about a technical breach? Someone has acted in good faith; the civil servant involved has acted in good faith throughout in his own mind, but he has technically breached his statutory duty—something that can be corrected right away. It would seem to me to be somewhat destructive of the future of that person if he found himself now involved in some kind of a disciplinary procedure by the authority because of a technical breach.

No question about his faith; he acted in good faith. He misinterpreted his responsibility; or he didn't do this when it should have been done within three days, and he did it on the fourth day. I wonder, is it really necessary? I don't regard it as any coverup sort of thing. I think the Ombudsman has to make that decision. If it is a serious matter, well, then, there is no question

it should be reported. But it may be a technical breach of duty. It has been pointed out to me by staff that there was some discussion with the Ombudsman, the proposed Ombudsman, on this and he felt very strongly that it should be "may" and not "shall." I didn't know this until just now; I was just advised.

**Mr. Renwick:** He felt very strongly that it—

**Hon. Mr. Clement:** Mr. Maloney, in discussing this legislation with the deputy minister as it was about to be introduced said he felt it should be "may." It should be permissive and not mandatory, I presume, maybe for some of the reasons I touched on a moment ago.

**Mr. Renwick:** I'm not prepared to press the point nor am I prepared to refer back to the discussion which my colleague, the member for Lakeshore (Mr. Lawlor), had about what consultations had taken place with the Ombudsman. I think the substance of it was that the Ombudsman had made no comment upon the bill although it had been furnished to him, subject to the Deputy Attorney General having then advised you that he, as you said, met with him. I presume it was in the course of those discussions this reference was made.

**Hon. Mr. Clement:** I had no discussions with him.

**Mr. Renwick:** Yes.

**Mr. Chairman:** Is section 19 carried?

Section 19 agreed to.

**Mr. Chairman:** Is section 20 carried?

**Mr. Renwick:** No.

On section 20:

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I have a couple of questions about section 20. First of all, let me ask a technical question about subsection 6 so that people will be aware of this.

Subsection 6 would appear to me to preclude the need for a person calling in aid the provisions of the Ontario Evidence Act in order to protect him. I would say this does not obviate his need to call in aid the provisions of the Canada Evidence Act in order to protect himself against incriminating evidence which he may give in the presence of the Ombudsman.

This is a technical question. My conclusion is that a person reading that subsection could be trapped into thinking he didn't have to call in aid the Canada Evidence Act. I am afraid he would have to do so if he was to protect himself against criminal proceedings. I think that's a legal question and perhaps at some point it could be answered before the bill goes through.

If it doesn't then either in the general rules or in some other way a person has to be warned. We finally won the battle about warning in the procedures which were set up under governing bodies of one kind or another. He has to be warned of his rights before he gives evidence under oath so that he can claim the privilege and be advised of the right to claim the privilege. I think subsection 6 as it is presently drafted is a trap and that a person giving evidence under oath would not be protected against the evidence being called for and used in a criminal proceeding. I bow to my friend, the member for Kitchener, on questions such as that.

I would like the minister to tell me what subsection 5 means; and that is the only further comment I have on that section of the bill.

**Hon. Mr. Clement:** Speaking off the top of my head, I think I am inclined to agree with the member's observations with reference to subsection 6. There is no question that he does not have to claim the Ontario Evidence Act protection, but I don't see how we can certainly involve the federal Evidence Act by this provincial statute. I think when preparing the rules for the guidance of the Ombudsman that may well be something that should be considered.

**Mr. Renwick:** It is quite a trap, though.

**Hon. Mr. Clement:** I agree. I must say I always bite my tongue a little bit when I read in the paper some story of a trial and it says the witness asked for and was granted the protection of the Evidence Act. I always say to myself, "That must be a good-hearted judge granting that. I wonder what would happen if he didn't?" But you claim it and you've got it. It's as simple as that.

I suppose technically on every question you should claim it. We used to follow a procedure or practice in concert with the Crown attorney in our area that there was an agreement right on the record of the trial, in the transcript, that we were going to claim it on each question, and in order to expedite could there be an agreement that it was deemed to be claimed. We would get that

admission from the Crown attorney, who was very co-operative, and go on with the matter. But people think they claim it and it is granted. That used to rather annoy me. I am sorry I said that, but you read it every day in the paper.

With reference to subsection 5—and I will keep my mind on that in subsection 6 now, I think it should probably be in the rules that the person is warned as to the—

**Mr. Renwick:** Before you leave that could I make one comment about it?

**Hon. Mr. Clement:** Sure.

**Mr. Renwick:** I am sure legislative counsel, or counsel in your ministry will recall that somewhere in the procedural amendments, following upon the McRuer commission report, we provided an affirmative requirement that a witness be advised of his rights and the privileges he may claim, or something like that. In other words, it was an affirmative thing rather than a passive matter.

The reason I am glad we are raising it now, just before the supper recess, is that it may be possible that an appropriate change could be made. I think having it in the rules would be essential if it is not in the statute, but having it in the statute would be a much more positive placement than in the rules. If it is not possible to put it in the statute, I think it has got to go in the rules.

**Hon. Mr. Clement:** The Statutory Powers Procedure Act, section 14, subsection 1, says:

A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to incriminate him, or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter, taking place other than a prosecution for perjury in giving evidence.

Subsection 2 touches on the very problem we have been discussing:

A witness shall be informed by the tribunal of his right to object to answer any questions under section 5 of The Canada Evidence Act.

So that rather confirms my feeling of your observation with reference to that.

**Mr. Renwick:** Perhaps a suitable amendment could be introduced after the recess.



**Hon. Mr. Clement:** I have no objection to having it as an amendment, or we can put it in the rules. Perhaps it is better it should show on the face of the statute itself.

**Mr. Renwick:** It is better in the statute.

**Mr. Chairman:** Shall section 20 carry, subject to the minister bringing in an amendment? Are you going to bring in an amendment to Section 20?

**Hon. Mr. Clement:** I won't argue with what the numerical sequence is, but we will draft one during the supper hour.

**Mr. Renwick:** Mr. Chairman, I had asked a further question on subsection 5. The minister was going to move on to that when I interrupted him so he could clarify this one point. I asked the question: "What are the privileges of witnesses in a court of law?"

**Hon. Mr. Clement:** I think really, this report refers to the solicitor-client relationship, that sort of thing. You have me at a disadvantage. It hasn't really sunk into my mind. Section 20, subsection 1 deals with evidence which is fairly inclusive. I think that subsection 5 just refers to those solicitor-client relationships that exist. I don't know.

**Mr. Renwick:** Perhaps we could stand the section down until after dinner. I can clarify my thinking on it, but it seems to me the very language of that section actually brings in the rules of evidence. If it brings in that part of it I am afraid it brings it all in. I am just curious as to whether or not the Ombudsman should be that limited, and whether the Ombudsman shouldn't rather have the kind of extended powers that a royal commissioner has; that he can accept evidence, but that in rendering his decision he must take into account only that evidence

which would otherwise be admissible, which I think is probably a rough and ready statement of the general rule.

If the effect of subsection 5 is indirectly to import the rules of evidence of the courts of law into the powers of the Ombudsman in the course of making his investigation, it seems to me you are unnecessarily inhibiting the Ombudsman and that the ambit of the inquiry the Ombudsman should be entitled to make in questioning people and that kind of operation should be identical to that which a royal commissioner has. Again, I am not talking about how to draft the language but I'm very concerned that we are unnecessarily limiting the Ombudsman.

**Hon. Mr. Clement:** I would like to take the suggestion and answer it fully following the supper hour. I point out it deals with privileges of witnesses and not scope of evidence which would be applicable in the proceedings taking place before the Ombudsman.

Let's explore for a moment what privileges do exist. There is the solicitor-client privilege; perhaps there are privileges dealing with occupation, I don't know; husband and wife; and this sort of thing. I can't see it expanding beyond that role; there is no way I can see it expanding beyond that. I think the intention of putting it in there was to make it clear that these things would exist in the hearing before the Ombudsman as they do in a courtroom situation. I'll deal with it a little more fully after supper, but that's my understanding of it right now.

**Mr. Chairman:** Seeing that we have some clearing up on section 20 rather than move on to section 1 we'll call it 6 o'clock now and the chairman will return at 8 o'clock.

It being 6 o'clock, p.m., the House took recess.

## CONTENTS

Thursday, June 19, 1975

Energy prices, statement by Mr. Davis .....	3124
Laurentian Hospital Management, statement by Mr. Miller .....	3125
HOME programme standards, statement by Mr. Irvine .....	3126
Energy prices, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Lewis .....	3127
Pickering Airport, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Deacon, Mr. Lewis ...	3130
Metro centre, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Givens .....	3131
Energy prices, question of Mr. Davis: Mr. Lewis .....	3132
Emissions at Indusmin Ltd. Plant, question of Mr. Miller: Mr. Lewis .....	3133
Toronto Refiners and Smelters Ltd., question of Mr. W. Newman: Mr. Lewis .....	3133
Coke oven emissions at Algoma Steel Plant, question of Mr. W. Newman: Mr. Lewis ..	3134
Ontario Biting Fly Committee, question of Mr. W. Newman: Mr. Lewis .....	3134
Payments to WCB consultants, question of Mr. MacBeth: Mr. Gaunt .....	3134
Laurentian Hospital management, question of Mr. Miller: Mr. Singer .....	3135
Ontario Hydro advertising in the United States, question of Mr. Timbrell: Mr. Shulman .....	3135
Booking of committee rooms, question of Mr. Snow: Mr. Riddell .....	3135
Lake Superior power projects, question of Mr. Timbrell: Mr. Foulds .....	3136
Rental housing, questions of Mr. Irvine: Mrs. Campbell, Mr. Cassidy .....	3137
Laurentian Hospital management, question of Mr. Miller: Mr. Germa .....	3137
Septic field regulations, question of Mr. W. Newman: Mr. Reid .....	3137
Funding of non-sexist publications, question of Mrs. Birch: Mr. Laughren .....	3138
Housing in Dealtown, question of Mr. Irvine: Mr. Spence .....	3138
Report, Ministry of the Solicitor General, Mr. Clement .....	3139
Resolution re standing miscellaneous estimates committee .....	3139
Resolution re standing procedural affairs committee .....	3139
Education Amendment Act, Mr. Wells, first reading .....	3139
Theatres Amendment Act, Mr. Handleman, first reading .....	3139
Ombudsman Act, in committee .....	3139
Recess .....	3158







# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, June 19, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 19, 1975

The House resumed at 8 o'clock, p.m.

## OMBUDSMAN ACT (concluded)

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Chairman, everything is in order now; I think we are arguing on the name of the bill.

**Mr. Chairman:** Prior to adjournment we were dealing with section 20, subsection 5. Somebody had some suggestion that they were going to talk about over the dinner hour—

**Mr. M. C. Germa** (Sudbury): Underneath the bench.

**Mr. Chairman:** —I don't know whether or not the hon. member for Riverdale (Mr. Renwick) and the hon. minister have come up with a compromise.

**Hon. Mr. Clement:** I didn't speak to the member for Riverdale over the supper hour but I undertook to report back to the House on what the impact was of section 20, subsection 5 which reads, "Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents and things as witnesses have in any court." At that time I touched the privilege which exists between a solicitor and his client and while I can't speak for the member for Riverdale, I think he agreed with that. I think that's a fair assessment.

There are other privileges which exist between solicitor and client, Mr. Chairman. Right now I should say that under the law in this province, as far as the pure law is concerned, the privilege only exists between a solicitor and his client. I should point out that there are reported cases of privilege being extended. While it is not acknowledged to be, let's say, the law of the province, it is acknowledged that privilege does exist between patient and psychiatrist.

I refer to a judgement some years ago of Mr. Justice Stewart who refused to order a psychiatrist to disclose the information which

came to his attention from the patient. It is a very well-worded judgement and the late Mr. Justice Stewart was very careful to say that while this wasn't the law of the land, in this particular instance he did not order the psychiatrist to disclose a great confidence which had been reposed in the psychiatrist by his patient.

I believe there is one more case unreported which extends that privilege almost as far as the patient and his physician. These are the only privileges—and we use the plural—that the matter refers to. I am not forecasting that it will happen but should it happen—and it will, eventually, some day in this province—that in a judgement of the court, privilege is extended by case law to a general practitioner, between him and his patient, or a specialist and his patient as it is between a psychiatrist and his patient—I refer to the judgement of the late Mr. Justice Stewart—this is intended to catch that. In other words, not to say that is fine in the Supreme Court of Ontario but it does not apply in matters before the Ombudsman.

I can look anybody in this House in the eye and say we want to keep current with the law as it develops in the Supreme, county and district courts of this province. As it is extended, if that is the way it seems to be developing, we want to extend the same privilege to a witness before the Ombudsman as he or she would have before a judge of the Supreme, county and/or district courts of this province.

Section 20 agreed to.

Sections 21 to 25, inclusive, agreed to.

On section 26:

**Hon. Mr. Clement:** On this one I find myself in a peculiar role.

**Mr. R. Haggerty** (Welland South): You are talking to yourself. You will get two years for that.

**Hon. Mr. Clement:** Yes, I am arguing with myself.

**Mr. Haggerty:** You will get two years for that.



**Hon. Mr. Clement:** You have to find the Crown attorney in this province who would prosecute the charge. I direct those remarks to the member for Welland South.

**Mr. Haggerty:** I'm surprised you haven't been committed.

**Hon. Mr. Clement:** I am sure there would be many who would be more than willing to undertake it. I am keeping the door open for the member for Riverdale because we are talking about section 26. I must say to the member for Riverdale, if I have any hope whatsoever of mellowing him, that we had had a discussion earlier today on this particular section, referring to section 26(3).

**Mr. J. A. Renwick (Riverdale):** Mr. Chairman, on a point of order; how could you possibly have got to 26?

**Mr. Chairman:** It wasn't hard. We could have gone right up to 30, if you hadn't come in.

**Mr. Renwick:** Did the minister introduce his amendments on section 20?

**Mr. Chairman:** No, that's been carried as in the bill.

**Mr. Renwick:** He didn't amend it?

**Mr. E. R. Good (Waterloo North):** If it hadn't been for the minister, we would have had 26 too.

**Mr. Renwick:** I think it's ridiculous. I had questions on a number of the provisions—but I guess it's my fault.

**Hon. Mr. Clement:** Mr. Chairman, I know the member for Riverdale will accept my word on this. We really had proceeded through the sections up to 26, which I think probably found no objection in anybody's mind. I was just on my feet pointing out that we had a discussion earlier today touching on this section.

**Mr. Renwick:** I had no objections to them. I can understand that when I'm not here the world doesn't have to come to an end, but when I left the assembly—and I had a chore to perform—we were talking about section 20. There were to be amendments introduced. It's six minutes past 8 o'clock and we're at section 26. There are serious problems with section 22—very significant problems involved in section 22—and there are other questions on sections 24 and 25.

**Mr. Good:** There are rules and procedures.

**Mr. Renwick:** Yes, there are rules. I understand the rules.

**Mr. E. J. Bounsall (Windsor West):** Maybe you could revert, Mr. Minister.

**Hon. Mr. Clement:** Mr. Chairman, I've been in this House nearly four years, and the member for Riverdale has never been right—except within the last two minutes. I must confess that I had forgotten it, but I had undertaken to provide an amendment to section 20 dealing with the Canada Evidence Act. I think we're ad idem on that.

**Mr. Renwick:** That's right.

**Hon. Mr. Clement:** I'm sorry, I had forgotten that—and I do have an amendment for that.

**Mr. Good:** Leave it until next year.

**Mr. Bounsall:** Revert all the way back to section 20.

**Hon. Mr. Clement:** No, I don't want to bring it in next year, because I cannot ignore the discussion we had earlier. Really, it's a very important matter. The amendment reads as follows, if I may have the consent of the House—

**Mr. Bounsall:** All the way back.

**Mr. Renwick:** Mr. Chairman, on a point of order, I will agree to revert to section 20 on the assumption that I can make some comments on section 22.

**Mr. Chairman:** That's very generous of the member for Riverdale.

**Mr. Renwick:** I thought it was.

**Mr. Chairman:** I would have to have the concurrence of the rest of the members of the House before we can even revert to this section.

**Mr. Bounsall:** Agreed.

**Mr. Chairman:** Is that agreed? Shall we deal with 20?

**Mr. Good:** We'd like to hear what the minister has to offer before we agree to revert.

**Mr. Chairman:** I'm only asking you to agree to work back, not to agree to his amendment.

**Mr. Renwick:** We'll agree if it includes section 22.

**Mr. B. Gilbertson (Algoma):** Give him a chance to finish.

**Mr. Chairman:** As chairman of this committee, I gave the minister ample time to move his amendment at that time; but he never suggested that he had an amendment. It puts the chairman in a very awkward position when a minister wants to revert to move an amendment which he thinks is good for the people of Ontario and the laws of this country. I have to have the agreement of the House before I can revert. **If you don't give me that agreement we carry on.**

**Mr. Bounsall:** He is a flexible person.

**Mr. Chairman:** But no provisos that we have to go into sections 22 or 23. We'll revert to the amendment on section 20, then we'll carry on with section 26.

**Mr. Renwick:** Oh, I'm sorry. The people of Ontario are going to have to do without the rest of the amendment which I raised in section 20, because I'm not going to consent.

**Mr. Chairman:** We'll receive the minister's amendment on section 20.

**Hon. Mr. Clement:** Mr. Chairman, may I put it this way? I would just love to move on to section 26, which we're dealing with, but I'll tell you what I'll do—

**Mr. Chairman:** I will tell you that it doesn't make any difference to the chairman. I just get paid the same money for waiting as I do for talking.

**Hon. Mr. Clement:** Oh, you don't get anything extra for night work? I see. Because if you don't, I'm going to come forward next week with an amendment to the Act under section 20.

**Mr. J. R. Smith (Hamilton Mountain):** Phone us on the amendment day.

**Hon. Mr. Clement:** No, I undertook it, and it must be done. I hope the members of the House will unanimously support me on this amendment.

**Mr. Bounsall:** Agreed.

**Hon. Mr. Clement:** I will take my risk with the member for Riverdale on the other sections afterwards but it really has to be done.

**Mr. Renwick:** I would like an understanding that I can debate section 22 because it was inadvertent that I wasn't here.

**Hon. A. Grossman (Provincial Secretary for Resource Development):** The member for

Riverdale is trying to cop a plea and I understood he was against that sort of thing.

**Mr. Bounsall:** A unanimous agreement.

**Mr. Good:** Mr. Chairman, as far as we are concerned, after dealing with the minister's amendment we can revert to section 20.

**Hon. Mr. Grossman:** No deals.

**Mr. Good:** The other sections have carried but we will reconsider section 20, only. We will consider section 20.

**Mr. Renwick:** I don't consent to the amendment of section 20 even though I proposed it because if the opposition in my absence—that is the official opposition, so-called, in quotes—didn't have enough brains to understand the problems in section 22 that's too bad.

**Mr. B. Newman (Windsor-Walkerville):** What about yourself?

**Mr. Renwick:** That's right, you have never been in the House during the course of this debate.

**Hon. Mr. Grossman:** Did you hear what he said about you?

**Mr. Chairman:** Okay, we will revert to section 20 and we will deal with the problems as they come up.

**Mr. R. F. Ruston (Essex-Kent):** They didn't say anything; they are all for it.

**Mr. Renwick:** Mr. Chairman, I do not give my consent to reverting to section 20; it is just that clear. If the minister has to introduce an amendment that's his problem. I will consent to deal with section 20 if I am permitted to raise and reopen—if we can revert briefly to section 22 in which there are serious problems.

**Mr. Chairman:** I think the members would yield to discussing section 22 briefly.

**Mr. Good:** Briefly. Was it the intention to introduce amendments to section 22?

**Mr. Renwick:** I am going to discuss the matter and if my friend, the member for Waterloo, feels my arguments have any importance I am sure he will introduce the amendments on my behalf.

**Mr. Ruston:** This is a precedent you are setting, Mr. Chairman, you realize that?

**Mr. Good:** If the amendments are that important you should have been here.

**Mr. Renwick:** I am not going to introduce amendments unless in the course of the discussion they are merited, in which case, as I understand it, you would introduce them.

**Mr. Chairman:** Okay. Would the minister read his amendment on section 20?

**Hon. Mr. Clement:** At the time we arose for the supper hour adjournment it was patently obvious, I think, to all of us in the House who were discussing this point that there should be protection.

**Mr. Ruston:** I wonder if I could have a point of order, Mr. Chairman. Pardon me for a minute. I wanted to stress that in the future if someone comes in five minutes late and we have passed sections of the bill, now the precedent has been set we will be able to go back. Is that correct?

**Mr. Renwick:** I will certainly speak to that point of order. If any member of the assembly has been in attendance in the course of the discussion of the bill, throughout the whole of the discussion of the bill—

**Mr. Good:** That's irrelevant.

**Mr. Renwick:** —and happens to come in four or five minutes late and the official opposition hasn't had the wit or intelligence to participate in this debate during the course of it, I would agree with the point of order you made—that I would be entitled to speak; otherwise I would not.

**Hon. Mr. Grossman:** What about yours?

**Mr. Ruston:** I am just thinking of the precedent you are setting, Mr. Chairman.

**Mr. Renwick:** You always are.

**Mr. Chairman:** We are not setting a precedent at all tonight.

**Mr. Ruston:** I have nothing against the member for Riverdale at all. I am sure he is bringing in good amendments. It is just the precedent you are setting, that's all, Mr. Chairman.

**Mr. Chairman:** We are not setting a precedent tonight. These matters will have to be dealt with by the chairmen and the members of the Legislature as they come up in the future.

**Mr. J. E. Stokes (Thunder Bay):** You are so bloody efficient.

**Mr. Chairman:** Okay. We are trying to get one of the best bills possible for the people of Ontario and it is a new bill.

**Hon. Mr. Clement** moves that section 20 be amended as follows:

A person giving a statement or answer in the course of any inquiry or proceeding before the Ombudsman shall be informed by the Ombudsman of his right to object to answer any question under section 5 of the Canada Evidence Act.

**Mr. Chairman:** Shall this amendment carry?

Motion agreed to.

Section 20, as amended, agreed to.

On section 22:

**Mr. Renwick:** Mr. Chairman, I appreciate the courtesy which you in the chair and the other members of the House have extended to me in permitting me to raise some questions in connection with section 22.

If one were to consider the bill and had to state which sections of the bill were in order of priority the most important, section 22 follows immediately after section 15 in importance. I appreciate the courtesy which the members have extended to me and I am glad of the opportunity to be able to comment on these sections.

I have only two comments and the second one will perhaps be more extended than the first. It seems to me in subsection 4 of section 22, which is a very operative section of the Act, that if within a reasonable time after the report is made, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, after considering the comments and so on, may send a copy of the report and recommendations to the Premier. I think the balance of that clause should be obligatory.

If the proceedings, the stages of the investigation, the inquiry and the report, the recommendations that are made and the implementations of the recommendations have got to the point, after the the course of those proceedings where the Ombudsman is satisfied that those recommendations are not going to be implemented and if he has then gone ahead and sent a copy of the report to the Premier, it seems to me that at that point it should be obligatory on the Ombudsman to make such report to the assembly on the matter as he thinks fit.

I want to make the distinction quite clear. Even in the way the bill has been introduced for us to consider you have got to go through the procedure of making the recommendations as to what should be done.



It's only as a last resort, if no action is taken which seems to the Ombudsman to be adequate and appropriate, that he then can go through certain other rituals. He then may lay it before the Premier. All we are saying is that if he lays it before the Premier, then he must lay it before the House. We are not saying that he can come through the House without going through the Premier, but we are indicating that it appears to us to be significant that after giving it to the Premier he should be obliged to make such report to the assembly about the matter as he thinks fit.

The way the bill is drafted at the present time would indicate that somehow or other there is an intervening step, that is, that having made the report to the Premier something may happen and that, therefore, there is no obligation to report to the members of the assembly. I think it should be the other way, that there has already been ample time. I can't conceive for one single moment that a minister of the Crown, receiving recommendations from the Ombudsman as to appropriate action that should be taken, would not have already discussed it with the Premier. Once the point in time occurs at which the Ombudsman goes through this ritual, understands that no action is to be taken and gives the Premier a copy of it, then it seems to me the game has got to be called to a halt and he must be able to make to the assembly what report he sees fit.

My second comment relates to the draftsmanship of subsection 3. I think they are strictly errors in draftsmanship unless I misunderstand what the bill is about. The bill is about four words: decision, recommendation, act or omission. That's what the investigation which the Ombudsman can carry out is about. "The function of the Ombudsman is to investigate any decision or recommendation made or act done or omitted." That is what he is talking about in section 15 and, of course, that is carried forward in section 22: "This section applies in every case where, after making an investigation under this Act, the Ombudsman is of the opinion that the decision, recommendation, act or omission, which was the subject-matter of the investigation," appears to be so and so and so and so.

So what we are talking about is whether or not in the operative section, subsection 3, we deal with the four words: decision, recommendation, act or omission. I have no quarrel with item (a). I think item (b) is probably simply a problem with the English language. I don't know how you rectify an

omission, but I'll skip that part of the problem, that's one of English language.

But I think item (c) should have inserted in it the words "or recommendation," so that it would read: "That the decision or recommendation should be cancelled or varied." I'm not certain about that but it may well be that it deserves comment. The rest reads:

(d) That any practice on which the decision, recommendation, act or omission was based should be altered; [That's all right] (e) that any act on which the decision, recommendation, act or omission was based should be reconsidered; (f) that reasons should have been given for the decision; or (g) that any other steps should be taken.

It seems to me that throughout the references in that subsection the words "or recommendation" should have been added to the word "decision," and I think that's my—

**Hon. Mr. Clement:** Is that the actual recommendation?

**Mr. Renwick:** I am going back to section 15: "The function of the Ombudsman is to investigate any decision or recommendation made or act done or omitted in the course of the administration," etc.

Maybe the answer that you are going to give me is it says "that the decision should be cancelled or varied," and how do you cancel or vary a recommendation which hasn't been implemented? I don't know whether that is the answer. It may well be. Item (f) might read: "That reasons should have been given for the decision or recommendation." I don't know whether that is necessary but that is my question; that the word "recommendation" does not appear in the operative parts of subsection 3, except in items (d) and (e).

Item (g) gives me some concern: "That any other steps should be taken." I would like to ask the minister whether or not any other steps being taken would include a recommendation for compensation? In other words, is it clear from the language of subsection 3 that the report of the Ombudsman, if he is of the opinion that any other steps should be taken, can include a recommendation that monetary compensation be paid to rectify the error of the government in its administration? I would hope that the words would be broad enough, but whenever a report is to be made about money, I think there is always a warning sign that maybe the Ombudsman would feel he doesn't have that authority. I would hope he would feel

that in a legitimate case he could, in his report, recommend that compensation be paid.

Those are the only three points that I have on section 22 and I appreciate the chairman allowing me to raise them.

**Hon. Mr. Clement:** Mr. Chairman, dealing with section 22, subsection 3, subclause (c), as I understand it, the suggestion made by the member for Riverdale is that perhaps the section should be amended to read that the decision or recommendation should be cancelled or varied. I have no objection to that.

**Mr. Renwick:** Similarly in item (f).

**Hon. Mr. Clement:** And similarly in item (f). I have no objection to that whatsoever because it does specifically deal with recommendations. I can't ignore that. If it ties in to be language-wise in the best interest of what I think we are both saying, then I have no objection to that whatsoever. I will amend it.

**Mr. Renwick:** If the minister would so move.

**Hon. Mr. Clement** moves that section (c) read, instead of as indicated, "that the decision or recommendation should be cancelled or varied."

**Mr. Renwick:** And item (f).

**Hon. Mr. Clement** moves that item (f) read, "that reasons should have been given for the decision or recommendation" because there is a difference.

Motions agreed to.

**Hon. Mr. Clement:** I would like to make the following observations with reference to the first point made by the hon. member for Riverdale that the word "may" in the second to the last line of subsection 4 be changed to "shall" to make it mandatory. I refer now to an article written by an author described as S. A. deSmith called, "Foundations of Law re Constitutional and Administrative Law," an English publication. It is an article on the office of the public commissioner in the United Kingdom.

On page 627, he stresses this point twice, and I bring this to the member's attention. I am omitting some of the lead into it. He says: "His inquiries would not take place in the glare of publicity." This is dealing with the rationale and setting up the office in the first place. On page 628, he deals with the fact that he cannot under the UK legislation

deal on his own initiative but it must come through a member of Parliament with the consent of the complainant. Then he goes on:

His investigations must be conducted in private and the official head of the department concerned and any other official implicated in the complaint must be notified and given the opportunity of commenting on the allegations.

Then it goes on.

I think the thrust of the legislation is to assist the citizen. I can foresee where citizens who feel themselves aggrieved will come forward and on the investigation of the Ombudsman will indeed be found by him in his estimation to have been aggrieved. Let's hope that it's not an aggravement that has arisen because of bad faith or an arbitrary attitude on the part of the civil servant but an error made really in good faith.

Let us say in the conjectural picture that I am attempting to paint that it's referred to the minister and for one reason or another, let's say just the oversight of the minister, it doesn't get to his attention on time or he doesn't do something quickly enough and it's reported to the Premier and properly so. In most of the other legislation, without detailing it, and I can, it goes to the executive council but in this instance it goes to the Premier.

The Ombudsman says in essence: "Mr. Premier, here's what happened. I have drawn it to the attention of the minister. It's an oversight on his part or something, but he hasn't reacted and I want something done about it."

Under the present legislation before the House, theoretically he need only send it to the Premier and then report to the House with it. I think the practical aspect of this matter is he won't do that. He will send it to the Premier.

Let's assume the Premier reacts. The citizen recovers what he seeks; justice has been done. If the Premier doesn't react, and this is a decision the Ombudsman is going to have to make—and it will probably be a subjective decision in the instance or the case of each different person who occupies this high office. If the Premier doesn't react within a day, an hour, a minute, a month, a week, he then is at liberty at least to bring it before his employer, i.e. this House.

I would hate to think that it was mandatory that he had to come in and that we had, before this House, the disrobing of a civil servant who perhaps misinterpreted his role, and since had it demonstrated to his satis-



faction that he was wrong—or a minister, because it can inquire into a ministry. I would hate to think that it's just mandatory. I direct my remarks to the member for Riverdale; I say to him, as a fellow solicitor, how would you like to practise law in this province under the obligation of having to report any error in judgement that you have made over the 25 or 30 years you have practised law and you must report that to the secretary of the Law Society or face disbarment?

**Mr. Renwick:** I have enough trouble with those that my clients report.

**Hon. Mr. Clement:** I mean, if it's done in bad faith, let's strip the person naked right here and let the world see him. But in an error that's made mistakenly, but in good faith, where no arbitrary decision is made, I don't think that this is the place where it should be debated.

I can't defend the minister who, for one reason or another, doesn't do something to correct it; but I don't think that two wrongs make a right. I would suggest that it's a wrong to bring somebody figuratively before the bar of this House, even though he isn't physically present, and say "Well, the Ombudsman said I had to do this because it's mandatory under the section." I think this is a discretion that has to be left to the person occupying that office.

If the official and the minister and the Premier don't do anything about it, then it should be brought before this House, and this provides a vehicle for it. I don't think it must be brought before this House, because the whole exercise is looking after the complaint of the citizen; and if it's corrected, that is it.

I am very, very strong on people preserving their dignity. If we're going to bring somebody figuratively before this House who says, "Yes, I made a mistake. I'm sorry, it was bad judgement on my part. I just didn't get around to correct it; I was busy or I was sick," and he has to stand before this House with his head bowed, I'll tell you, I just don't think that it's in the best interests of the civil service, of the public of this province or really, in essence, of justice. Those are the only observations I have.

**Mr. Renwick:** Mr. Chairman, I accept what the minister has said. I would have been reluctant to have moved an amendment to say that if, after the Ombudsman having made the report and recommendations to the Premier, no action is taken within a reasonable time which seems to the Ombudsman to

be adequate and appropriate, that he shall thereafter report to the assembly on the matter. That would have been the ultimate straitjacket.

I was most anxious to have clearly on the record the understanding, within the limits of the flexibility which is involved, that what this provision of subsection 4 is designed to do is to give a degree of flexibility so that when the report is made to the Premier, it will be unmistakably clear that the Ombudsman considers it to be of immense importance that the Premier is given an opportunity to rectify the matter, either in whole or in part, or substantially, and that we must then rely on the Ombudsman, as an officer of this assembly, that if he is not satisfied with the response of the Premier he can make such report as he sees fit. I think that is proper and appropriate, and I think it is important that the history of this debate so show the explanation which the minister has given.

We are in the very interesting situation where—since nothing which the Ombudsman does can be reviewed by a court of law, if the privative clause which we have passed is effected and is the intention—then we are not bound by the rule of interpretation which says that the Ombudsman can't look at the debates of the legislative assembly as to what the intentions were when the bill was passed, as to its operation and the effect which it has on an officer of this assembly, which the Ombudsman is going to be. Therefore, it seems to me, and perhaps the minister will understand why I have been, as my colleague from Thunder Bay says, perhaps overly tenacious—I put in the word "overly." He just said I've been tenacious about this bill. It is because I think that the record of what we are talking about as we try to understand the implications of these sections, is a matter which will be perhaps of receding importance but certainly, in the initial days of the office of the Ombudsman in the province, of significance to the Ombudsman in the interpretation of the sections, and particularly so because what the minister who introduces the bill and has the responsibility for it says will have a great deal of weight, I think, when the Ombudsman comes to interpret the authority which he has.

Therefore, having said that, and having accepted in the usual spirit of amity that is customary in the assembly, I would like very much to ask him to comment on item (g) of subsection 3 of section 22, "that any other steps should be taken." I would like the record clearly to show that if the Om-



budsman feels that a monetary award is the only way in which an aggrieved citizen can be compensated for the damage which he has suffered, that, yes, he has the authority to give his opinion about that matter in his report; not necessarily that the government will implement the report, but that the recommendation for a monetary award by way of compensation, will not be something that will be subject to question, but will have to be seriously considered by the government as to whether it is justified in making the recommendation to this assembly that moneys be appropriated in order to provide compensation for a person who may have been aggrieved by the maladministration of the province.

**Hon. Mr. Clement:** I think we could overcome the problems raised by the hon. member by amending (g) to say "any other steps or recommendations." If that was his initial recommendation, then it would be caught in that section, and that would overcome it. If the member agrees with that, then I would so move.

**Hon. Mr. Clement** moves that subclause (g) of subsection 3 of section 22 be amended to read: "That any other steps or recommendations should be taken".

**Hon. Mr. Clement:** This is consistent, Mr. Chairman, with those amendments I have made to subsection (c) and (f) of section 22, subsection 3.

Motion agreed to.

Section 22, as amended, agreed to.

**Mr. Renwick:** Mr. Chairman, I again express my appreciation to the House for having been allowed to intervene on section 22, but I think it was important and I appreciate the courtesy that was extended to me.

On section 26:

**Mr. Renwick:** In section 26, I do not know whether the minister had commented about section 26. I assume he had not, in the 4½ minutes that elapsed from 8 o'clock until 4½ minutes after.

**Hon. Mr. Clement:** I explained it fully. Everybody was satisfied with it.

**Mr. Renwick:** Yes, I think it is extremely important that the power of the Attorney General to preclude the Ombudsman from exercising his right to enter premises of the government should be subject to a qualification if you are talking about an institution in which a citizen of the province is

confined involuntarily—and for practical purposes we're talking about psychiatric or mental institutions or training schools.

The very nature of the institution is such that the office of the Ombudsman is going to be an immensely important avenue for persons within these institutions, because they are the only citizens whose liberty as institutions is calculated by virtue of Acts of the assembly.

Therefore, I would be very upset if the Ombudsman, having received a letter from someone in a mental health clinic, a provincial correctional institution or a training school, found that the Attorney General had, by general or specific notice to the Ombudsman, named those institutions as ones that the Ombudsman could not enter, because the very substance of a complaint by a person within one of those institutions is likely to be directed toward something which is going wrong or which he feels is wrong within those institutions. It's the environment which will have produced the complaint.

It may well be that the extraordinary situation will arise where we're talking about habeas corpus, and that the person doesn't think he should be there at all.

**Mr. Stokes:** How could his presence be prejudicial to the public interest?

**Mr. Renwick:** But the Ombudsman can deal with those sorts of situations by not necessarily going to the premises, because there's an established ritual about the writ of habeas corpus and the procedures to be followed; he could probably handle a legitimate complaint from the record under which the person had entered the institution in the first place, without physically visiting the institution.

I'm quite sure that occasions will arise when the Ombudsman is going to have to intervene by arranging for counsel to take a writ of habeas corpus, or the appropriate procedure, to question whether or not the person should or should not have been incarcerated or confined in the institution.

I think those things generally have their own way of working out, even under our system. The bulk of the complaints that are going to come from persons within that kind of institution under provincial control are going to relate to something within the institution.

It seems to me that the peculiarity of the Ombudsman role, if it has any degrees of importance, is that its highest degrees of importance will be related to those persons who

are involuntarily confined in institutions under our control—and I recognize that we don't have all that many, but they are significant and important to the person who is confined—and he's going to say that there's something wrong within the institution.

I would hate to think that section 26(3) would inhibit the Ombudsman from going into that institution to investigate the kind of complaint that may well have been raised by the person under the provisions of the preceding section, which we had passed, section 17(2).

It seems to me that that touches so much upon the whole guts and purpose of the Ombudsman that I personally would like to have an amendment to section 26(2), to say that the Attorney General may give notice that it is prejudicial to the public interest for the Ombudsman to go into those premises, but subject always to his right to go in to investigate a complaint, by a person who is confined there, made pursuant to section 17(2). I find it immensely contradictory to think that that would not be possible.

I can't conceive of a situation where the Ombudsman has received an individual complaint from someone in a mental health clinic, a training school or a provincial correctional institution, which by the nature of the complaint requires an investigation of the premises by the Ombudsman, where the Ombudsman would find himself barred from entry into that particular institution because the Attorney General has given him notice that it may be prejudicial to the public interest. That's the problem, as I see it. I may not have expressed it too well, but I would ask very seriously that an amendment be made to subsection 3 of section 26.

**Mr. Chairman:** The hon. member for Grey-Bruce.

**Mr. E. Sargent (Grey-Bruce):** Mr. Chairman, I'm sorry I missed the majority of this bill. But I think this section 26 is one of the key parts of what we are talking about insofar as a public defender is concerned, in that we have seen Watergate in full flight in America. We saw this thing unravel. But how could it happen? The first citizen of the land permitted many things that were prejudicial to the public interest. Every area of government was controlled from the White House.

This subsection 3 of section 26 is a very dangerous area, Mr. Minister. The Premier could suggest to the Attorney General that anything damaging to the party be considered as prejudicial to the public interest. He could

say to the minister: "This is hands off for everyone."

This bill will probably be in effect many years when we pass it this week. Going back to clause 2 of the same section it says:

Before entering any premises, the Ombudsman shall notify the head of the governmental organization occupying the premises of his purpose.

Forewarned is to be forearmed—and it is a very useless thing to have happen when a department head knows that the Ombudsman is going to be on the scene. He immediately takes steps to cover his tracks.

I must apologize to the minister if I am suspicious of government. I have been in this business all my life. From what we have seen happen in this Legislature in the past 10 years, we know we need a public defender, the Ombudsman—a man for all people. Ontario's Premier (Mr. Davis) will take any steps possible to gain political favour with the public. He will waste \$141 million on the Spadina expressway; he will do anything to gain votes. And this legislation is political.

This legislation is strictly political, and comes on the scene at a time when an election appears on the horizon. We have been talking about the—

**Mr. Chairman:** Order. Will you speak to section 26?

**Mr. Sargent:** Yes, I am getting to the point. This section is political, Mr. Chairman, in that the Premier can designate to the Attorney General a matter he considers prejudicial to the public interest.

I would say this—and it is right on target, Mr. Chairman—that when I was a boy I was told that anyone could be Premier; and now I am beginning to believe it, from what I have seen here.

I think it is very dangerous, as in clause 2, to forewarn a department that they are coming to make a check. That has got to be amended in my books. And, as in clause 3, to let the Premier define what is "prejudicial to the public interest" is very dangerous. I earnestly request the Attorney General to revise this in his fairness, to what is good in the long run for people, for the science of government, and for the democratic process. We have seen enough of this control. It almost ruined the greatest nation in the world. And it was only by accident that we found out what happened. How one man had complete control.

The minister knows the centralized control we have in this province now. Of the in-



vestment in the outlying parts of this province only 15 cents on the \$1 do we run ourselves now. Now you're going to say here that the Premier can decide what is important to be investigated. That is the key, I think, in this whole Act. It is one of the grey parts of it. I earnestly request you to take that out of there.

**Mr. Chairman:** Which section are you alluding to?

**Mr. Sargent:** Section 26, subsections 2 and 3.

**Hon. Mr. Clement:** I share the concern of the member for Grey-Bruce about the man named Nixon. I think he's dead on in many ways.

I would like to point out two or three historical things, if I may. The British North America Act, when it deals with the provinces, deals only with two specific offices in each province, the office of the Premier of that province and the office of the Attorney General because the office of the Attorney General predated Confederation in Upper Canada.

The role of the Attorney General is a peculiar one. He has to be political in order to achieve that office. There is no question about that. But once he achieves that office, I guess he is supposed to be something like Caesar's wife in terms of taking off or doffing his political hat because of the overriding interests of justice. As chief law officer in the province that has to be his No. 1 priority; that is his oath. Okay, enough said on that.

The Premier does not dictate—and I must make this very clear—under that section or any other section, the role of the Attorney General. Let's get subjective now. The Premier might say to me: How would you, as one of my ministers, like to go to Owen Sound on Saturday night and perform a political chore?" That's fine.

**Mr. Sargent:** You would be welcomed.

**Hon. Mr. Clement:** If I was clear I would be pleased, because I would look forward to staying at a particular set of premises in Owen Sound.

**Mr. Sargent:** Take your wife too.

**Hon. Mr. Clement:** I would hope that now that I am a minister of the Crown I wouldn't continue to be ripped off by the proprietor of that place.

I say this here—and I don't have to say it because those who practise law would agree—if the Premier said to me: "I would like

you to interfere in the administration of justice somehow for political purposes," I would have no other obligation but to say: "Mr. Premier, goodbye, I cannot do it." What's he asking me to do? He's asking me to take about 22 or 23 years of my life in the educational system in which I was involved at that time and throw it all down the drain for a political purpose. I say it's not impossible, but I will tell you it's impossible with me. This was the great shock that came to many of us who watched Watergate, as I know the member for Grey-Bruce did, with great interest—that people would take a lifetime of integrity, training and all those things that went into it and lay it on the line for the leader of a nation, much to their chagrin as it turned out.

With that background in mind, I now turn my attention to section 26. The key element here is the public interest, not the interest of the Attorney General as an individual or the Premier of this province or the executive council of this province or any political party of this province. The ultimate is the public interest. The Attorney General who occupies that post, if he's called upon to make a decision under this section, has to stand in this room before the province, in essence, and explain at some time why the public interest prevailed.

Let me give you a subjective situation as to where it might prevail. I think the ultimate would be to give the keys to every institution—and I'm not being facetious at all—to the Ombudsman. I think he should have access to them, because if you don't let him have access then the prior section 17 doesn't really mean anything.

**Mr. Sargent:** Why clause 2 then?

**Hon. Mr. Clement:** Why clause 2? I will tell you why. There are situations which develop that are sometimes known to people involved in the administration of justice that aren't known publicly and shouldn't be known at that time. A week ago, Monday, Tuesday and Wednesday, I happened to be involved in a conference in this city with your federal colleague, the Solicitor-General of Canada, and on the Monday morning he found himself in the most difficult situation we have read about. I played no role in that and I don't insinuate that I did, but I was on the fringe, because I was in the same building and at the same conference as a decision was being reached; a decision that involved international communications and I don't know what else it involved because I played no role in it.



Let's say for a minute that intelligence came to my mind, my attention, that there was about to be a tremendous riot in a provincial penal institution and, lo and behold, just prior to the moment of the riot there appears, in essence, at my doorstep, the Ombudsman, who says, "I want to see a fellow who thinks he got a bad rap in Owen Sound or Niagara Falls." Now, I don't think it is incumbent upon me, if I was seized with that information, to say, "Well now, Mr. Ombudsman, come in and sit down. I want to tell you about the riot we are going to have at XY reformatory within the next 24 hours." We won't worry about the interest of the Ombudsman in terms of his safety, but in terms of public safety I may not want—because of the advice I get, not because of my own innate wisdom—people of prominence to be in that institution when we think the thing is going to break open, so I would just say "You are not going to be in there for the time being."

I think if you are going to have the responsibility for running an institution you must also provide for the protection of those who would go into it. Forget the Ombudsman for a minute. Let's say a woman had travelled X number of miles to see her son or husband in that institution, and the information that I had and that I accepted, was that a riot was about to blow up in that institution within the next four or five hours. Do I stand at the door and say, "I must tell you, as a citizen and a taxpayer, because that's what you are, that there is going to be a riot here in the next few hours and therefore that is why I don't want to let you in?" Through my agents I say, "Madam, I'm sorry—"

**Mr. Sargent:** That isn't what clause 2 is about; talk about the Ombudsman.

**Hon. Mr. Clement:** The Ombudsman? All right. He writes and says, "I am going into that institution." We don't want him at the door, because in some situations the very presence of the man, because of intelligence known to the people within the institution, might mean that it is not in his interest and certainly not in the public interest that he be admitted at that time, and he's turned away. That may trigger the situation that we are so fearful of.

I am just telling you, this is how these things happen. I have had no experience in it and I don't profess to have any.

**Mr. Sargent:** These aren't institutions, John. These are government organizations.

**Hon. Mr. Clement:** No, I am telling you it is everything. I am thinking of the psychiatric hospitals, which really have no history, as I know it, of riots, but I am concerned with penal institutions that do have a history of riots.

**Mr. Sargent:** We are talking about the department of highways, Treasury—we're talking of departments.

**Hon. Mr. Clement:** Okay. Let's talk about T and C, because my friend the minister (Mr. Rhodes) is not here and we can both kind of take a swing at him and have a little fun in his absence.

The Ombudsman sends a notice saying, "I am coming up to visit the right of way branch." What do you think they do up there, shovel the documents out the window? I couldn't think of anything that would help the complainant more. I would think that those up there who were in charge of those documents would take every effort to make sure that everything is just fine—"Come on in; here they are; this is the way we operate"—because there isn't anything better—and I tell you this as somebody who has had some experience in this—there isn't anything better than a witness who doesn't remember, or can't recall, or doesn't just seem to have the documents available today. He's the greatest witness you can ever have on your side of the lawsuit even though he is on the opposite side. Because the jury sitting there doesn't buy it, nor does the judge if it is tried by him alone. He can't believe that you don't remember, you can't recall, you just don't seem to have the documents; but everything that's in your favour is available, it just happens that he has them here in triplicate for the benefit of the jury and the judge. So, I don't think you really have anything to fear.

If we are going to open the doors to the Ombudsman—and I think they should be open; I subscribe to that theory 100 per cent, except in those particular or peculiar circumstances where he comes up to the door and says, "I want to go in," and the people in the institution and the Attorney General are seized with the knowledge—

**Mr. Sargent:** What is the plus in advising them? What is the plus in advising we are coming in two weeks' time, or 10 days or tomorrow? Why tell them at all we are coming in?

**Hon. Mr. Clement:** So that they will have the documentation of the thing, and the police—

**Mr. Sargent:** Come on. You don't believe that.

**Hon. Mr. Clement:** You don't think that will happen?

**Mr. E. W. Martel (Sudbury East):** No.

**Hon. Mr. Clement:** You don't think that will happen? You think they will say, "Everything is down at the auditors' office. We got your notice two weeks ago and it's down at the auditors' office"?

**Mr. Martel:** Too much so.

**Hon. Mr. Clement:** That makes it even greater because he can walk into the auditors' office under the Act and he can't be barred.

**Mr. Sargent:** You are saying( "Get your best Holt, boys, we are coming in."

**Hon. Mr. Clement:** No, I tell you if you give the Ombudsman a key to every institution in this province—

**Mr. Martel:** Greatest housecleaning ever going.

**Hon. Mr. Clement:** —some day, when you run into a situation in this province as they did in BC 10 days ago—

**Mr. Sargent:** We're not talking about that.

**Hon. Mr. Clement:** —people will look and say, "Why in the name of God did you let the man walk in there when you knew from your intelligence there was going to be a riot and they held him as a hostage? Why did you do that?" And we say, "Because Eddie Sargent, in the Legislature five years ago, said it would be a great thing." They say, "Who is he?" and we say, "The fellow who ploughed into a mountain one night up at Tobemory."

**Mr. Sargent:** We are not talking about that at all. You know that.

**Hon. Mr. Clement:** I tell you it simply doesn't hold water.

**Mr. Stokes:** He missed the runway at Centre Island.

**Hon. Mr. Clement:** Do you know who has to pay the ultimate price? I'd love to have him have a key. I'll tell you, if I am occupying this position and I have to make that judgement and I have to look across the floor of the House at my friend from Grey-Bruce—sorry, I didn't mean to point at you; I was trying to get him.

**Mrs. M. Campbell (St. George):** Thank you.

**Hon. Mr. Clement:** And you say, "Why did you make that judgement call?" I have to stand here and make that judgement call and justify it before the people of this province. With the media present and 116 other members—or 124 at that time—I would have to take the responsibility. Quite frankly, as an individual, I don't want it but I can see the value of having it in those odd instances when it must be there. I'd love everybody else to take the blame.

We had some good amendments here this afternoon which I moved. The member for Riverdale will take credit for them; I know he will. If they go over, as I told him earlier, I'll take credit; if they don't go over, I'll point the finger at him. Seriously, I tell you I am the one, or whoever occupies this office—who has to justify it in this arena, not up at Guelph or up at Burwash or wherever they might be. It's right here and it has to be a judgement call.

The key is the public interest not the interest of the Ombudsman because his interest isn't that big at that moment. The public interest overrides it, not the interest of the prisoner or the patient.

**Mr. Sargent:** Mr. Chairman, I fully believe everything the minister says if he is on the scene. But he will not be on the scene.

**Hon. Mr. Clement:** I'll be here for years. If you form the government across the floor I'll be the only one with any experience who can help.

**Mr. Martel:** You'll be here as a back-bencher.

**Hon. Mr. Clement:** I'll take you up on that. Not with you.

**Mr. M. Gaunt (Huron-Bruce):** We'll hold you to that.

**Mr. Sargent:** Mr. Chairman, the minister, with his charm, is evading a very important factor—two very important factors. Going back to parallel again, John Mitchell was a man of great integrity in the States.

**Mr. Renwick:** For heaven's sake!

**Mr. Sargent:** He was supposed to be.

Interjection by an hon. member.

**Mr. Sargent:** Hold on. He was supposed to be a great—

**Mr. Renwick:** Come off it.

**Mr. B. Newman:** He was Attorney General, wasn't he?

**Mr. Sargent:** He was Attorney General anyway.

Interjection by an hon. member.

**Mr. Sargent:** And 250 million people thought he was Mr. Integrity.

**Hon. Mr. Grossman:** He had a big-mouthed wife, that was his problem.

**Hon. Mr. Clement:** He had a wife who caused him a lot of trouble.

**Mr. Martel:** She didn't think so highly of him.

**Mr. Sargent:** He fooled a lot of people. I am not saying that could happen in your short tenure of office here but we will have to live with this bill and we will have to amend it—shortly, I hope. The fact is you must agree the Attorney General is a political appointment and you have to adhere to party lines regardless of what you say here tonight. It sounds good but we know what actually happens.

**Hon. Mr. Clement:** No, I will not, not when it comes to the administration of justice. I will not.

**Mr. Sargent:** I believe you; what you say you believe and we trust you; I think most of us do. I do anyway.

**Mrs. Campbell:** I think?

**Hon. Mr. Clement:** The member for St. George is sure but you are not too certain.

**Mr. Sargent:** You are wandering off a lot, talking about getting into institutions and jails; I am talking about subsection 1, "The Ombudsman may at any time enter upon any premises occupied by any governmental organization and inspect the premises and carry out therein any investigation within his jurisdiction." But before entering the premises, "the Ombudsman shall notify the head of governmental organization occupying the premises." I say it again, it is a known fact that if you give them time to prepare their case and to get rid of the damaging evidence, it's going to happen. Why you go along with that nonsense, I don't know. Why do you have it in there in order to give them a chance to get their ship in order?

**Hon. Mr. Clement:** Why? Our bill is patterned after the New Zealand legislation. There is nothing unique about that. Your colleague from Downsview, who devised a private bill which was presented for a number of years, patterned it after the New Zealand legislation. I tell the hon. member that the New Zealand legislation, under section 23(2), is almost word for word. I haven't looked at the other bills I have before me here but if you give me a moment, I'll look. I have Nova Scotia, Saskatchewan, Alberta, Manitoba and the private bill of Mr. Singer, as well as the bill of New Zealand, which was introduced in 1962 and that has been their experience out there.

I make this submission, Mr. Chairman, that until such time as it is abused, I ask the members of the House seriously to consider accepting it in the form in which it is presented. If it is abused by anybody occupying this office, I will join those who would oppose it; because I think he should have access, except under extraordinary circumstances in the public interest.

I suggest with the greatest respect that that's the criterion in this section right now. If it's in the Tory interest or Grit interest or socialist interest, that is not necessarily the public interest. We are talking on a much higher plane than that.

I think it must be preserved, the right to preclude the person from entering because of extraordinary circumstances that prevail at that time. If it's a blanket thing that he can never get in, why of course it's an abuse of the office of the Attorney General to prohibit the man from entering; and you will hear of it right here from the Ombudsman whoever he or she might be.

**Mr. Sargent** moves that subsections 2 and 3 be deleted from section 26.

**Mr. Sargent:** And I'll divide the House on it.

**Mr. Haggerty:** How are you going to divide the House?

**Mr. Sargent:** You are here. You can do it through the whip.

**Mr. Renwick:** Mr. Chairman, I know the problems involved in subsection 2 of section 26. I tend to think that in this kind of an Act, and I say this quite advisedly, I would assume that if we were the government we would expect, if the Ombudsman was going to enter one of the institutions or the premises under the control of any minister of the Crown, we would take the same



position as the government has taken, despite the experience which the member for Yorkview (Mr. Young) and I had in those ancient days when the present Provincial Secretary for Resources Development was in charge of the Ministry of Reform Institutions, as it then was. That was almost as if it was in such ancient historic times that it's not worth talking about, because there is no doubt that at that time the minister of the Crown took totally and solely defensive actions and did not and was not forthcoming about the problems which were involved in the institution which the member for Yorkview and myself exercised our right as members to enter.

**Mr. Stokes:** Are you talking about the Provincial Secretary for Resources Development?

**Hon. Mr. Grossman:** It was a very shameful exhibition.

**Mr. Renwick:** The Provincial Secretary for Resources Development.

**Hon. Mr. Grossman:** I thought you would want everybody to forget about that. It was such a shameful exhibition.

**Mr. Renwick:** No, it wasn't. It was exactly the kind of problem the Ombudsman is designed to overcome. I am saying that despite the fact there will always be ministers of the Crown who react as that minister did at that time to preclude any investigation and—

**Hon. Mr. Grossman:** The correctional people didn't agree with you.

**Mr. Renwick:** —barrack any investigation, I think we have moved into a new plateau. My guess is, after the example which has been set by other ministers who succeeded him, that if the Provincial Secretary for Resources Development would become the Minister of Correctional Services now, he would be an entirely different minister than he was at that particular time.

**Mr. Stokes:** More enlightened, eh?

**Mr. Renwick:** I think so. I think even the Provincial Secretary for Resources Development has moved into a different era in his attitude toward the problems with which he is faced. He must have, because he hasn't reacted at all, and he usually does.

**Hon. Mr. Grossman:** I am about to. I like the way you said that.

**Mr. Martel:** It's a time bomb, is it?

**Mr. Renwick:** I can understand the feelings of my colleague from Sudbury East and, I am certain, of my colleague from Sudbury and from Nickel Belt regarding the relations of this government to the International Nickel Co. and the tipoffs that were always involved in any investigation that was made of any mining operation in the Province of Ontario in order to ascertain the working conditions; I can understand the scepticism with which they would view such a provision.

I think we are talking in a different era and a different time and I am sufficiently hopeful—although I could readily change my mind on the subject in the course of time, depending on how the Attorney General exercises this power and how the government responds to the office of the Ombudsman—to give them the benefit of the doubt.

To return again to the vexed problem of the Attorney General precluding—let me grant him for the moment that in the Province of Ontario there may be some premises from which the Ombudsman should be excluded for reasons in the public interest; I can't conceive of any institutions, other than those in which people are held in custody, against their will, and that jurisdiction is limited, so we are talking about jails, mental health clinics, psychiatric hospitals, training schools and the provincial correctional institutions—

**Hon. Mr. Clement:** Not always necessarily against their will though, but where they are held.

**Mr. Renwick:** Well, involuntarily. They didn't voluntarily enter the place—well, put it the other way. They may have entered under various degrees of voluntariness or involuntariness, but they would have trouble getting out—

**Hon. Mr. Clement:** Okay.

**Mr. Renwick:** They can't sort of go to the gate and walk out, without somebody intervening.

**Mr. J. R. Breithaupt (Kitchener):** One would hope.

**Mr. Renwick:** My friend thinks there are some of our fellow citizens who should be incarcerated. I would be inclined to think that a couple of articles by Garry Wills, written recently in the New York Review of Books, would at least open his mind to the suggestion that there are more people confined than should be confined.

**Mr. Breithaupt:** Hear, hear.

**Mr. Renwick:** Thank you. So that's what I am talking about when I am talking about this section. The executive power has always been able to assert the public interest over the private right and generally the courts and people like the Ombudsman have bowed to it. They have got to; you know that somehow or other there is this immense public interest.

If this were the government of Canada or the government of the United States, you know, it wouldn't be public interest; it would be the security of the nation. That was the great cloak under which it was done. The minister knows goddam well—excuse me, I withdraw that phrase—

**Mr. Breithaupt:** The minister is aware.

**Hon. J. P. MacBeth** (Minister of Labour): You were very eloquent up to then.

**Mr. Renwick:** The minister is aware—

**Mr. Stokes:** Shame on you.

**Mr. Renwick:** I thought for a brief moment I was having a quiet drink with the minister.

The minister is aware, of course, that if he brought in a bill which might be prejudicial to the security of the Province of Ontario, he couldn't have gotten away with it, but that's what he is trying to say in his own way about things prejudicial to the public interest. It is somehow involved in disruption and police operation and all of those kinds of things. I don't know the final answer to it, I guess nobody ever does, because there is no final answer as to what point the public interest of the private citizen overrides the private interest of the private citizen.

I suppose that's really what we're talking about because every private citizen has a vested interest in the public interest. It's very difficult for some private citizen sometimes to understand that his, the private citizen's, private interest in the public interest must override the private interest of the private citizen in his private interest or, as W. H. Auden said "Private faces in public places are finer and nicer than public faces in private places."

**Mr. Martel:** Did you get that, Allan?

**Mr. Breithaupt:** It's like "Tomorrow Starts Today."

**Mr. Renwick:** It's very much like our motto for the next election. As a friend of

mine said to me today, it's very confusing. It's like that saying, "I'll love you less tomorrow than I did yesterday." You can get quite confused as to how you express those things and you can get into an immense amount of trouble. In an endeavour to solve the problem the minister has raised, I would like to propose the following amendment for discussion.

**Mr. Renwick** moves that subsection 3 of section 26 be amended by adding thereto the following:

Provided, however, that if the notice precludes the Ombudsman from entering any premises which in his opinion he considers necessary to enter for the purpose of investigating any complaint made by any person referred to in subsection 2 of section 17, the Ombudsman may apply to the Supreme Court for an order permitting such entry.

**Mr. Renwick:** I regret I haven't got copies of it but perhaps you would give this to the chairman and perhaps the chairman would move the amendment and then be good enough to show it to the Attorney General because I haven't written it out.

**Mr. Chairman:** This would be a sub-amendment?

**Mr. Renwick:** A sub-amendment to the amendment by my friend.

**Hon. Mr. Grossman:** Mr. Chairman, I rise at this time in case my colleague should be tempted to provide poor law on a bad case. I think the lawyers say bad cases make poor law. I know the particular instance which the member for Riverdale brought out today as an example of why you should be able to walk into an institution without any warning has been ranking him ever since that occasion. I can understand why because he was castigated by even the correctional organizations in this province.

**Mr. Renwick:** That wasn't what bothered me.

**Hon. Mr. Grossman:** I should remind him—many people forget and they are wont to forget across in that party—that the Minister of Reform Institutions at that time, without any prodding from anybody and very early in his career as minister, voluntarily established the policy—there was no basis for it in legislation or anything of that nature—that any member of this Legislature at any time, without warning, could go into any of the correctional institutions in this prov-

ince. There was no attempt at all to hide anything.

What the member is referring to—and the Ombudsman would be up against the same thing—is they went into an institution and they had apparently been tipped off that drugs had been hidden in some furniture. When they got there, they ripped it all apart; they asked for a knife and ripped it all apart but found none. They took it for granted that somebody had warned them in advance. Who would have warned them in advance we don't know because we knew nothing about the occasion when they were there.

The fact is, they probably got a tip from somebody who was trying to create trouble. There was no such thing but when they got there they took it for granted that somebody had tipped them off. Even if that had happened and even if there had been an ombudsman at the time the Ombudsman or one of his officers had walked into the institution, there is nothing to keep somebody from so-called tipping somebody off if they know about it. Or, if they didn't know about it and they got a bad tip and it didn't work out that way, the Ombudsman would be in the same position.

I wanted to make that clear because on a number of occasions over the past few years, I've been sitting here listening to a repetition of that particular case. An incorrect impression is being put on the record as to what occurred at that time. I see the member for Wellington South smiling because he remembers that occasion very well. I think he will bear out and confirm everything I've said on my feet tonight.

**Mr. Renwick:** He certainly could because he was in default for not investigating.

**Hon. Mr. Clement:** I would like to hear the amendment read again, as proposed by the member for Riverdale.

**Mr. Chairman:** I think we should deal with Mr. Sargent's amendment first, and if it carries we won't need the amendment at all.

All those in favour of the amendment proposed by Mr. Sargent will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it.

I declare the amendment lost.

We will now vote on the subamendment proposed by Mr. Renwick.

**Mr. Sargent:** Mr. Chairman, speaking against this amendment, I feel there is no need to get the Supreme Court involved in

this. I want to say that I have the greatest admiration for the new Ombudsman and I congratulate the Premier for his vision in the choice. I think Arthur Maloney, without a doubt, is one of the finest jurists in Canada. I would say he is a man for all seasons in this particular job.

For us to say to him that he cannot have access to any place he wants to go in Ontario, and it has got to be qualified by such a clause as "prejudicial to the public interest," waters down his powers. Then, to further emasculate him, you are going to say to him: "You have got to go to the Supreme Court if you want to get your wishes." I think this is a totally negative approach to it. I think we should vote against the amendment and leave it as it is now.

**Hon. Mr. Clement:** Mr. Chairman, I am just reading the amendment proposed by the member for Riverdale. I have absolutely no aversion to the discretion of the Attorney General being scrutinized by the Supreme Court of this province on a motion properly brought with the proper orders and directions insofar as the press or media are concerned. I have no aversion to it whatsoever.

I thank the member for Grey-Bruce. I don't think he is being supportive, but I suppose I could lay behind him and say: "Well, I oppose it too." I think I must take this position and state it very, very clearly, Mr. Chairman. In view of the discussions we had prior to the supper hour about the Ombudsman not being an alternative, I am prepared to stay with the court system. I want to stay with the court system—and I would be supportive of the amendment.

**Mr. Renwick:** I am pleased to hear that you would support the amendment, because I wasn't really talking about sort of a head-on confrontation between you and the Ombudsman. Those things don't really happen particularly often. I am quite certain that if a complaint came in from an inmate in an institution, and the Ombudsman had an order about that, he would have to consider the question. I am quite certain it would only be where he felt that his obligation to investigate the individual complaint was perhaps an exception to the general prohibition which the Attorney General had put upon him. In other words, I can't see a situation where the Attorney General is suddenly going to say, "Because you have got a complaint from inmate A, I'm issuing an order that you can't go into the premises where inmate A is." I don't think that happens in



the sense of trying to retaliate against inmate A. That is not the problem.

The problem is that the section refers to a notice to the Ombudsman excluding the application of subsection 1 to any specified premises or class of premises, if he's satisfied that the exercise of the powers might be prejudicial to the public interest.

We're not talking about the Attorney General dealing as against inmate A. We're talking about his sense of public interest in that general situation about that institution, because of information which he has and all of that; and we can't put our heads in the sand about it. I think the Ombudsman may very well find himself in a position where he may say, "Well, look, what I have to investigate is not of the nature that can affect that, and I think my obligation is to investigate it. What I'm saying is that my right of entry should be an exception to the Attorney General's prohibition about that institution or class of institution because the Attorney General didn't know about this particular complaint."

I take it as being read that the Ombudsman is not in a confrontation situation or a person who is engaged in undermining the public interest or the public security. I would like him to feel that he did have an avenue, if that situation arose, of having the matter decided. I understand, and I have the same question in the back of my mind, as to how a court resolves that kind of problem. That's why I said I put the matter forward more for discussion and to raise the problem than to force a division on the issue or, indeed, to require a vote to be stacked on the amendment. I'm not really saying that.

I'm simply pointing out that in the absence of some such proviso, however it's worded, it seems to me that the inmate of such an institution is at a disadvantage. The Ombudsman is kind of at a disadvantage because he has difficulty going behind a declaration of the Attorney General that it's in the public interest, not that everybody be excluded, but that the Ombudsman be excluded from that institution. I don't know what you do about the unwritten tradition that we as members can walk into that institution. I suppose we'd have to await the event if we walked up to the door and we were refused admittance. We could go to the press or the media or whatever it is and take our chances that our right would be upheld. So I'm not thinking that there's going to be any arbitrary exercise of the power.

It may well be that you almost have to take it in two steps. You've almost got to

say to the Ombudsman, "If you feel that your rights require something, maybe you've got to go back to the Attorney General and ask that he make an exception in a particular case." Then, if the Attorney General says, "No, I can't; he's got to accept that as being in the public interest, recognizing that the public interest is the obligation of the Attorney General," I think that a court would be in a very difficult position to decide the question as between the Ombudsman and the Attorney General in a particular instance, and override the Attorney General; therefore, I recognize what the minister said, that he's quite prepared to throw himself on the mercy of the court.

I really raised the amendment to raise the problem. I don't think the courts are the proper place to decide that issue. I just hope the record will show that this is a problem, that it must be exercised with immense discretion, that even a general prohibition, by way of notice given by the Attorney General to the Ombudsman, would leave itself open to the Ombudsman going to the Attorney General and saying, "Look, I've got this complaint. Will you make an exception in this case so that I can go into that institution to investigate it? Or will you, the Attorney General, investigate it for me since you prohibited me from going in there?"

It's an utmost good-faith operation, I think, in any situation where the private interest of a private citizen comes in conflict with the public interest. Therefore, I'm not going to withdraw the amendment, but I'm certainly not going to ask that it be placed for a vote. I would like it simply to be on the record as a very important and significant problem.

**Hon. Mr. Clement:** Mr. Chairman, I don't think it will happen very often. I hope it will never happen at all. The reason I am very supportive or receptive to the suggestion is that very often it appears in the minds of the public, and certainly in the minds of those who are more partisan than the bulk of the public, that decisions are made, particularly I will say by the Attorney General and the Solicitor General, that really are made for partisan reasons and without any reason whatsoever. I found myself on more than one occasion in this House having to decline to answer what would appear to be a very proper question coming across the floor of this House. Because of certain information, of which I was presently seized, it was in my opinion—and I have to wear the hat at the present time—not in the public

interest that we have a discussion across the floor of this House because it would actually frustrate the investigation of a certain matter.

It is not very easy to sit here and see this thing happen from time to time. I think if the situation did arise under section 26 the then Attorney General might find it somewhat supportive to make his submission to a justice of the Supreme Court of this province and see if in effect he is acting in the public interest in a judicial sense, because that really is the test—the judicial sense, I hope, being the public sense. If he is not, then fine, the Ombudsman goes in.

If he fell victim to something that was going on in there, then I think the Attorney General could say: "I didn't want him to go in. We will get the man who made the order." I am being a little facetious when I say that, but I think it is not a bad idea to have the type of scrutiny that the court is able to provide, subject to all of the sanctions and conditions the court can impose on the media under the conditions.

**Mr. Renwick:** Mr. Chairman, if the minister accepts the amendment, who am I to object to it?

**Hon. Mr. Clement:** It must be right.

**Mr. Sargent:** Mr. Chairman, finally on this, can the Attorney General be completely sure that this exclusion will be non-political? I notice he wants to include the justice of the Supreme Court to give it further backup value. If you are completely sure that you are on safe ground as being non-political—and I have made my point that I know that your appointee is non-political—why not let it read "the Attorney General may by notice to the Ombudsman and the Leader of the Opposition"? He is a man who was voted for by two million Ontario people. He should have some input here as to the value of it. He will never use it, probably. But if you want to be non-political about it, be safe. In order that we all know what is going on, that there is no hanky-panky in the legal process and that it is not part of the political arena, why wouldn't you include the parallel they have had in England for years past that they have had a member of the opposition sit in the cabinet to know what is going on?

That would never happen in this operation here in Ontario. But in the area of justice, if you want to be non-political and very sure of yourself, why can't you include "and the Leader of the Opposition or the leaders of the opposition parties"? This might never

happen, but that would convince me that this is not a political thing for the election.

**Hon. Mr. Clement:** I recognize the observations made by the member for Grey-Bruce and I point out to him that the government of this province has been a lot more stable than that of the UK in the last 32 years.

**Mr. Sargent:** Twice nothing is still nothing.

**Hon. Mr. Clement:** Perhaps we might consider notifying the leaders of the opposition parties five or six months after the event, because you see you are trying to make it political now by bringing in the political personalities. I am quite prepared to take it out of the political arena completely by a neutral individual, i.e., a judge of the Supreme Court, having the opportunity to review it, and I say that very seriously. This is why I'm somewhat in support of it; not more than somewhat. The more I think about this, I think it's all right; but I want somebody responsible to review it; someone who is not political, and I'm not being partisan when I say this.

There is an onus on the Attorney General at that time to demonstrate it's in the public interest because that's the key. If he found it was political or anything else, he would order the AG to let the Ombudsman go into that institution, fine. Then there has been a responsive action.

People think that those who possess some power would like to assume more. What little power I've been exposed to sometimes I would like to share it with a lot more. I'll share it with a judge of the Supreme Court before I would share it with a member of an opposition party. I'm not really being partisan when I say that, because he might be motivated politically; I would know a judge of the high court would not be motivated politically and I say that in all sincerity. He's making a legal decision and there would be an onus on me, if I was then the AG, to demonstrate that it was in the public interest.

I think the check and balance is really what you're looking for. You're really looking for somebody to veer in on the decision made by the Attorney General who says it's in the public interest. You say: "How do I know?" I say: "Because I tell you it's so." We can't really buy that, maybe, in all instances; but if you have a judge of the Supreme Court of Ontario saying: "I tell you, Mr. Member for Grey-Bruce, that it's so," there has to be a point where you draw the line. I suggest that's a pretty good point.



**Mr. Chairman:** All those in favour of Mr. Renwick's amendment to subsection 3, section 26, please say "aye."

All those opposed will please say "nay."  
I declare the amendment carried.

Section 26, as amended, agreed to.

**Mr. Chairman:** Is section 27 carried?

Section 27 agreed to.

**Hon. Mr. Clement:** Everything else is in order, Mr. Chairman. I give you my word.

**Mr. Chairman:** Does section 28 carry?

**Mr. Renwick:** Section 28, Mr. Chairman.

On section 28:

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Martel:** Why doesn't the minister surrender?

**Mr. I. Deans (Wentworth):** Why don't you write it?

**Hon. Mr. Clement:** Not with him.

**Mr. Martel:** Why don't you surrender?

**Mr. Renwick:** I'm curious, particularly about section 28, but also generally about the procedure we often follow of imposing these penalties and then never quite finding anybody to lay the charge for enforcement.

We seem to take the penalty provisions of so many statutes as an automatic barrier to anybody ever breaching them. When anybody ever breaches the statutes we throw up our hands in horror because we can never find anybody who will take the action to impose the penalty.

Presumably here the Ombudsman would if he found himself obstructed in the course of what he was carrying out. He would be the one who would lay the information or the complaint or issue the summons or whatever the appropriate procedure would be to have the person who was in breach brought before the court for determination of the question; and, if guilty, the fine would be imposed.

We've so many statutes which have these monetary penalties but when the chips are right down you can never quite persuade the Attorney General or any of the Crown attorneys or the assistant Crown attorneys to get around to laying the charge. They always say to the individual citizen "You must lay the charge." The individual citizen says, "This isn't a civil dispute. This is a public

interest dispute. I'm not suing somebody. I'm coming to you with a complaint. You're the officers responsible. You investigate it and if, on reasonable and probable grounds, you think a charge should be laid, you should go ahead and do it."

I refer in that connection, of course, to the penal provisions of the Landlord and Tenant Act under Part IV dealing with residential tenancies. For practical purposes, it's impossible to get an assistant Crown attorney or the Crown attorney to lay a complaint under that Act for the purpose of enforcing the penalties against landlords imposed by that statute.

That's a long roundabout way of coming to why it is the government of Ontario—please don't tell me—apart from copying the New Zealand statute or the Alberta statute or the Saskatchewan statute or some other statute; would you please tell me why it is you departed from the provision which is in the English statute with respect to obstruction of the Ombudsman in the performance of his obligations? Again in this instance I am not moving any amendment, and the minister and the other members of the assembly may be very glad to note that this is likely to be my last comment on the bill, other than a minor one on section 29.

The English Act takes the other course, and the other course seems to me to be a much better course. It states that if any person without lawful excuse obstructs the commissioner or any officer of the commissioner in the performance of his function under this Act or is guilty of any act or omission in relation to an investigation under this Act which, if that investigation were proceeding in the court, would constitute contempt of court, the commissioner may certify the offence to the court. Where an offence is certified under this section, the court may inquire into the matter, and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the court could deal with him if he had committed the like offence in relation to the court.

I know very well there is a great uproar every now and then when the courts exercise their power with respect to contempt, but in a strange way the exercise of that power is a much greater protection to the public, both in its private capacity and in its public capacity, than the actual penal provision such as this because so many times these penal provisions are honoured by never being en-



forced in most of the statutes that we pass, regardless of the breaches which take place.

I would like to think it may be that peculiarly the office of the Ombudsman lends itself to saying that the proper way to deal with wilful obstruction of the Ombudsman in the performance of his office is better dealt with through the facility or through the avenue of the contempt proceedings in the court, rather than by the traditional method of saying he is guilty of an offence and liable on summary conviction to a fine of so many dollars or imprisonment for a term of not more than three months, or to both.

First of all, you avoid the quantum problem. Who can tell whether or not \$500 or imprisonment for a term of not more than three months, or both, is an adequate penalty in relation to the job which the Ombudsman has to perform and the obstruction to which he may be faced? Those things must be numbers games. I am quite certain they must have either a roulette wheel or one of those baskets with the balls in them to decide which particular dollar amount they are going to put on any of the penalty clauses in a particular statute, because the variation is immense.

My question, and I am not going to pursue it other than to ask the minister why do you follow that course rather than the certification to the court for consideration by the court as to whether or not this is equivalent to contempt?

**Hon. Mr. Clement:** I don't know, Mr. Chairman, other than probably in the interest of expediency it is sent before a summary conviction court and dealt with, presumably at that particular point. I note that the New Zealand legislation dealing with offences only deals with the fine not to exceed £50. Our colleague from Downsview deals with a fine only, not to exceed, as I recollect, \$500. He doesn't deal with any incarceration. The Province of Saskatchewan, in its 1972 legislation, deals with a fine and/or imprisonment under section 32 of its Act; it's \$500 and/or not more than three months. Alberta is the same; and Nova Scotia is a fine not to exceed \$500.

There are, I am advised, many other situations in connection with investigations than the situation to which contempt usually applies. For that reason, and in looking and perusing and studying the legislation of others who have followed the route of the office of the public commissioner or the ombudsman, we have opted to have the two; i.e.,

not more than \$500 and/or not more than three months imprisonment.

What we are trying to do, Mr. Chairman, is just save a step in the procedure, as opposed to stating in effect a case for consideration of a higher court on a contempt type of offence.

**Mr. Chairman:** Shall section 28 carry?

Section 28 agreed to.

On section 29:

**Mr. Renwick:** On section 29—this is my last comment—I think it's very important, in light of the discussion we had earlier today about the question of exhausting remedies before you could go near the Ombudsman and the problem that raised, that the amendment which we proposed and which was defeated by the government in the vote which was taken about 5 o'clock this afternoon, has got to be reconsidered by the government. It has to be reconsidered because section 29, as a matter of interpretation, reinforces the prohibition imposed on the Ombudsman by section 15(4), which precludes the Ombudsman from dealing with any matter "until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired."

Section 29, which appears to be additional, enlarging the rights of the citizen, as often is the case stated in that kind of glowing language, is indeed reinforcing the prohibition imposed on the Ombudsman under section 15(4).

Disguised as saying that this is in addition to any other right which he has, it reinforces the proposition that the Ombudsman can't come anywhere near him or her, or he or she to the Ombudsman, until such time as the rights have been exhausted, because this clause says:

The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

The language is inconsistent with section 15(4).

Anyone reading that would say, "Why, as a citizen, the government has granted me some additional rights and protections that I didn't have before." But it's got to be read

in the light of the fact that so long as subsection 4 does not have the benefit of a proviso similar to the one we tried to have passed this afternoon, all it does is preclude the citizen from approaching the Ombudsman until he has exhausted his remedies at law. And when I say at law, I mean not just at the common law, but the remedies provided in the various remedial statutes which were passed as a result of the McRuer report, and particularly the one which I emphasized this afternoon, the provisions of the Judicial Review Procedure Act.

I may say that the particular case I referred to of the boy with the learning disabilities, I think, I hope, will be studied by the government because of the appeal to the court which had to be taken there, the understanding that the Ombudsman couldn't have intervened in that case, and because substantially similar cases will come again.

Really, as this debate draws to a close, on behalf of my colleague from Lakeshore (Mr. Lawlor) and myself—my colleague from Lakeshore hasn't been here to participate in the last couple of days or undoubtedly we would have been finished much sooner with the debate—I think what we are really saying is that subject to the defeat of our amendment with respect to reporting; subject to the defeat of our amendment with respect to the limitation imposed on the Ombudsman by the oath which this assembly is going to impose; subject to that amendment which we lost this afternoon at 5 o'clock; and because the Attorney General has accepted some of the other amendments which we have proposed not on the basis of partisanship but on the basis of what the debate in this assembly is all about, we think, subject to those three things and with the openness of the Attorney General to those other matters, that the bill, for a starter, is a substantial improvement on other bills.

If the assembly chooses the route of a select committee for the working out of general rules, and if there is a select committee as a continuing operation to whom the Ombudsman reports—not for the purpose of appropriation—and if the select committee reports to the assembly and if the government feels under an obligation to respond, I think the bill will be an immense advantage to the people in the province. Thank you.

**Mr. Chairman:** Shall the section carry?

Section 29 agreed to.

On section 30:

**Mr. Stokes:** I have a brief comment to make on section 30; it seems to be the only place where one is given an opportunity to ask. Once it is passed and proclaimed by the Lieutenant Governor, how do you see the office of the Ombudsman working for people in areas of the province which are very remote since all inquiries must be in writing? Do you see a branch office in certain areas of the province?

How are you going to overcome the great distances with regard to statutes of limitations and things of that nature? Do you see any problem arising or is it too premature even to suggest that you have your mind made up with regard to the logistics of operating the duties of the office of Ombudsman under all circumstances?

**Hon. Mr. Clement:** Mr. Chairman, there were discussions here, perhaps as long ago as a week, and even today, about area or regional offices and a mobile office or offices. I said on both of those occasions and I must take the same position now, this is a decision the Ombudsman is going to have to make as he sees matters unfold. He is really going to have to make ad hoc decisions.

There may be a terrific demand in a certain geographic area for his services over a rather short span of time and, lo and behold, in six months' time it may diminish if not disappear and transfer to another geographic area. These are things the Ombudsman is going to have to decide on as he sees it unfold with the experience that comes his way.

I don't think we can overlook the fact that as he takes his office there will be a tremendous surge on his resources—physical, financial and personnel-wise—by those individuals who have been harbouring rightly or wrongly-conjectured opinions as to how they have been dealt with by some agency or level of government. When that initial surge disappears or starts to level off, I think the Ombudsman will be able to perceive almost a pattern and he will have to react.

When he comes in here for his resources through the request of the Office of the Speaker, I am confident this assembly will be very supportive, because who is going to oppose it? He has to demonstrate his case and say: "I need these resources, ladies and gentlemen of this Legislature, and you are going to have to support it. If you don't then the office won't function." I think it is going to have to be based on his experience as he sees it unfold.

Sections 20 and 31 agreed to.

Bill 86, as amended, reported.

**Hon. Mr. Clement:** Can I say what I really think now? I am glad that both parties were very supportive of the bill. I refer back to a week ago tonight as I heard the tributes paid to the office of Ombudsman and I am only glad it wasn't opposed, Mr. Chairman. It moved through very expeditiously and I thank you for your assistance, too.

**Hon. Mr. Clement** moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with certain amendments and asks for leave to sit again.

Report agreed to.

### FAMILY LAW REFORM ACT

**Hon. Mr. Clement** moves second reading of Bill 75, An Act to reform certain Laws founded upon Marital or Family Relationships.

**Mr. Speaker:** The hon. member for St. George.

**Mrs. M. Campbell (St. George):** I wondered whether in the first instance the minister wished to make any opening comments on this.

**Hon. J. T. Clement (Provincial Secretary for Justice):** I will make a brief comment, if I may. Mr. Speaker, I believe about one year ago my predecessor introduced into this House a bill and made a rather lengthy statement at that time, indicating that he was putting forward the bill in an effort to attract criticism, comment, argument and so on. The bill was introduced June 25, 1974, and bore the number Bill 117. He said at that time, as I recall, that he was going to let it die on the order paper.

Between that point and until the introduction of this bill, my ministry received many comments and observations and had some personal meetings with different interested groups, which is exactly what the bill was set out to do. After meeting with these groups and reading their briefs, observations, criticisms, critiques, arguments and

so on, the bill was redrafted and is now Bill 75.

I hope that I make this perfectly clear because it was felt that some of those observations offered by interested individuals in the past could not really be developed until we had in our possession at least the recommendations of the Ontario Law Reform Commission, really on the supportive role. That set of recommendations was received by me from the printers some five or six weeks ago—not more than that—and has been filed in this House.

In the meanwhile, we wanted to go forward with this bill which is now before us and study the observations of the Ontario Law Reform Commission which are now public. Again I am sure we will receive comment and indeed we have received some. Then we can go on with it in the fall. I just wanted to make this clear. I know the member for St. George understands this because we have had private discussions in the past.

It's an ongoing thing. It is not being chiselled in stone forever. It has to be an ongoing thing, taking into consideration all those components and facets which must be considered when dealing with family assets and the rights of the members of the family to participate in them. Thank you.

**Mrs. Campbell:** Mr. Speaker, yes, indeed. I have discussed this matter from time to time with the Attorney General. It is a very difficult thing, whenever we are called upon to discuss legislation as it may pertain to women, that one is always faced with what I can only call the perversity of this government.

**Mr. F. Laughren (Nickel Belt):** Right on. She has said it all.

**Mrs. Campbell:** Whenever we have a question dealing with the very obvious matters of discrimination as they apply to women, we have the same limited, niggardly kind of approach which can only create problems. I don't understand why for once we couldn't at least come forward—and it's unfortunate, Mr. Speaker, that on the government side, there really are no spokesmen for the rights of women. It's to be hoped that after the next election that will be changed.

**Mr. J. R. Breithaupt (Kitchener):** It will be.

**Mr. Laughren:** It certainly will.

**Mrs. Campbell:** In the first place, Mr. Speaker, this bill falls under the same criti-



cism which I feel has to be levelled at the commission report itself. It dodges the basic issues. We're apparently not concerned with what legally constitutes a marriage. We really are only concerned with what happens in trying to sort out the pieces after it has fallen apart. In my submission this is a very dangerous way to approach this situation because flowing from that sort of approach, we get the kinds of disabilities that continue in this legislation.

We could have, in other words, attempted greatness. Instead of that we go fumbling along, lead-footed, trying to meet the problems of today in today's society.

Well, what has this bill done? I have to give it some credit, of course. First of all, it has apparently realized—I trust it means what it says and I trust that all of those in the financial arenas of the community will now understand it—that a married woman is a legal personality, independent, separate and distinct from that of her husband. In other words, presumably we have now lost that barrier to married women which has precluded her from establishing credit and doing all sorts of other financial transactions which are a bar to her today, particularly if her husband happens to have a bad credit rating. So I suppose, in that halting way, we've taken one step forward; but interestingly enough, she is independent, separate and distinct—almost, and this is what I cannot understand.

The federal government didn't have the kind of barriers that are in this bill. She is independent, separate and distinct except that she must continue to maintain the domicile of her husband. I look at what was done in the employment standards legislation, and here is this same halting, picayune, niggardly philosophy. "There," the government said, "We cannot give full equal opportunity. Heaven forbid; that's too tough for us to do. But, meanwhile, what we will do is take away your rights to protection."

This at a time when one of the Tory back-benchers says we are into one of the worst times in our history for violence and everything else. There was no plea from that back-bencher on behalf of women to be protected when they had to work late hours. That was just fine in this philosophy.

**Hon. Mr. Clement:** Tell me why she should have her own domicile. I would like to hear some argument or debate on that if I may.

**Mr. E. J. Bounsall (Windsor West):** The minister will.

**Mrs. Campbell:** Because she is an independent, separate and distinct human being.

**Hon. Mr. Clement:** What about the children?

**Mrs. Campbell:** What about the children in the divorce action?

**Hon. Mr. Clement:** No, tell me their domicile. I want to hear the member's argument on that.

**Mrs. Campbell:** All right I think that can be arrived at in exactly the same way as one does in matrimonial causes. The wife can establish her own separate domicile and for purposes of tort action or for any other type of action, she should still be able to sue; she should still be able to retain her own domicile; and she shouldn't be required to defend whenever a husband chooses, for example, to sue. This is an interesting sort of thing.

**Hon. Mr. Clement:** The member and I are going to have some argument on that.

**Mrs. Campbell:** All right, I'm with the minister.

**Hon. Mr. Clement:** Good.

**Mrs. Campbell:** The thing that is important is that as long as the minister says she is independent, separate, and distinct, that she is to be in the same position as an unmarried person, he has to follow through all the way. Otherwise, he is going to have the woman getting no benefit in credit or anything else on this particular clause which I thought he was trying to overcome with it.

I thought he was saying a woman can take legal responsibility for her actions and therefore no one should be in a position of denying her the same opportunities, for example, of establishing a line of credit or any mortgages or anything else which is precluded to her today. But if he has the same situation in that he has her domicile as that of her husband, I invite him to resolve the problem in our mutual debate. I would be interested to hear.

Of course I have to give credit that this bill does attempt to meet the confines, if one likes, or one of the specific aspects, of the Murdoch case. I think probably a court would come to the conclusion that that is the meaning of the provisions of this statute. But one of the things this bill does not deal with is the very tortured and tortuous question of the matrimonial home.

**Mr. Speaker,** I have some sympathy with the Attorney General in this matter because

I attended the conference at which women were gathered together to discuss the matter of the matrimonial home. By the way in which the conference was set up, women lawyers were precluded from participating except as observers. That was interesting because the women lawyers probably had something useful to say.

But again some kind of perversity in this government said: "Oh, we mustn't let women lawyers in on this kind of a deal. They may sit and advise. They may open their mouths if they're requested." Most of them walked out in a great deal of resentment and the matters proceeded without the kind of advice that I think ought to have been available.

With that in mind, certainly the resolutions which came forward were really very remarkable. I couldn't really blame the Attorney General too much if he didn't know just what the trend of it was, partly because a great many of the resolutions were not permitted to be put. One of the most interesting resolutions coming out of that—and I say it perhaps with prejudice because it happened to agree with my own thinking—was that basically there shouldn't be any special treatment accorded to the matrimonial home, but rather the total assets should be looked at; that if one were discussing the matrimonial home, one certainly ought to provide that the home, in effect, was a home provided for the children basically and that their rights were the rights which ought to prevail if they were issue of the relationship. That wasn't put to that great conference, so undoubtedly the minister never saw it as a resolution.

Surely if we review what a marriage is at its inception, it is much easier for us to follow a line of logic to the conclusion as to what should happen to assets of a marriage. We should not simply try to distort this long-awaited piece of legislation into some oversimplification of an answer to the Murdoch case. I think the minister has fallen, with respect, Mr. Speaker, into the same trap as the commission itself did. It was one of the least happy reports of a commission which on the whole, it seemed to me, was great. The fact of the matter is that it didn't come to grips with the marital relationship.

Some of the provisions here are provisions which are useful. I think at this point in time the right of a wife to pledge her husband's credit for necessities is probably something which will have to be retained for the time being, until this government is prepared to accept a different type of formula for the

very real rights of a wife who maintains a home and a family and contributes in that fashion to the welfare and success of her spouse.

One of the things which really bothers me deeply in all of this is that apparently the minister is so afraid of dealing with the woman's issue in this International Women's Year that you must now turn and try to drag in—and in an inappropriate way, in my submission—the matter of the rights of children. Let me hasten to say, Mr. Speaker, that I have been one of the strongest proponents of a bill of rights for children and of adequate and proper legislation to protect those rights; and I think you are aware of some of the steps which I have taken to try to protect rights which are not presently protected in the courts.

It seems to me that to bring in this type of an issue in this kind of a bill may well create a distortion in what are called family relationships. There is no question that the royal commission recommended a right of action for pre-natal injuries and so on; and I am certainly not standing here in opposition to that. But it seems to me that we should first get the marital relationship or the family relationship of husband and wife into some kind of context. And, of course, we should be dealing in depth with the rights of children. One of the things that bothers me is that when you do it in this haphazard way, you really don't resolve anything and may, in fact, create more problems than you resolve.

I wrestled with the earlier bill and the earlier types of mathematical exercise, and I have to admit that I found them less than satisfactory. But it was really because of the same reason, that you were dealing with a situation as it broke up and not with the situation as it started out.

Mr. Speaker, there is so much today and there are so many forces today at work to destroy the family, that surely this is a golden opportunity instead to strengthen that relationship at its inception by letting both parties know what the meaning of this marriage is in legal terms, quite apart from the spiritual or religious connotations; to understand and to give dignity to those women and the role they play, where they do not go out into the marketplace but where they maintain a home. There is no such concept here at all. None at all, really. You would have to distort the Murdoch section, if I may call it that, to really get it to have that kind of meaning.

I am in this awful position because in general it does do the niggardly things—in fact, isn't it great, at long last a married



woman may act as guardian ad litem or next friend? You know that has really taken us out of the dark ages, I guess. What a magnificent reform that is. Let the bells ring out, surely.

**Hon. Mr. Clement:** There should be a lot of celebrations over that one.

**Mrs. Campbell:** Yes, I can see it could be. But why the littleness? What is this government afraid of? I can't think of anyone less afraid of public opinion than this Attorney General. I'm sure, Mr. Speaker, that he is not a person who can't go to his best friends, who may be male, and say: "Look, I had to do something about it, now d-d-d-don't criticize me." I can just see him getting around the chauvinist criticism with one of his charming smiles.

Why doesn't he do it? Why doesn't he really say what he means about this relationship in law and provide for women to have a sharing of the assets of the marriage? But there really isn't that. "Where a husband or wife contributes work, money or money's worth in respect" etc. etc. The minister really does have the excuse, because never was there a time in history when there were more women putting their husbands through college and university, and all the rest of it, to really give a man a break on this section. Does he know that? Does he realize that?

**He can give them a great break. What he really is doing, of course, is simply that. But let him go all the way. Let's look at all of the assets of the marriage. Let's look at that kind of contribution which a wife makes, in educating her husband through university, and not thinking in any other terms.**

**Hon. Mr. Clement:** He becomes the family business, so to speak?

**Mrs. Campbell:** Yes, but does it under these terms?

**Hon. Mr. Clement:** I'm asking the member, is that what she's saying, that he becomes a family business.

**Mrs. Campbell:** It seems to me that that is an important aspect, if one deals only with the breakdown of the marriage. If the minister was in the family court—

**Hon. Mr. Clement:** If I hadn't had estimates I might have been there.

**Mrs. Campbell:** —it's an interesting thing to see how many times a woman will go through this exercise and then, once the hus-

band has achieved his profession, he takes off and that wife has no recourse.

I don't know what recourse she would have even under this bill. I really don't know how one would sort out that contribution which occurs prior to the time when he becomes a professional person. I don't see that that kind of thing is provided for either. I suppose that if he gets through law and opens an office and she goes in and works in the office, that can be contemplated under this bill.

But what about those cases? I don't know how many there are but there are a great many of them. There have been a great many of them, I guess, almost ever since the second war. But the minister hasn't provided for that. I think she would still be in the position of going laboriously to family court and trying to get an order for maintenance.

I'd like to have the Attorney General clarify that, because I'm not sure. If he thinks it's covered, I would like to have his advice as to how and where in that section.

Mr. Speaker, we will be discussing this clause by clause as it goes forward. As I say, we've gone some baby steps forward, and it's not a case where I believe that by opposing this bill I'm achieving any possible reform, or any possible change. As so often happens with us, we are in the position where it is better to take a little than to take nothing. I would have liked to see this Attorney General rise to the great heights to which I feel sure he might have done, perhaps, if left alone in the cabinet.

**Hon. Mr. Clement:** If I didn't have estimates, I might have been there.

**Mrs. Campbell:** Mr. Speaker, may I then invite the Attorney General to take another look at this bill, if there is a chance of rising to those great heights.

**Hon. Mr. Clement:** I will this summer, I promise the member for St. George. You and I in my airplane.

**Mr. J. A. Renwick (Riverdale):** Don't pay any attention to him.

**Mrs. Campbell:** That is just the trouble. This bill, in effect, will cast in concrete the role of a married woman for another 100 years.

**Hon. Mr. Clement:** There is no fear of that.

**Mr. Bounsall:** The minister's pace is slower than a snail.

**Mrs. Campbell:** All I can say is that even at that risk I probably and reluctantly am



going to support the bill with all of the amendments which we well know the Attorney General will accept. Thank you, Mr. Speaker.

**Mr. Speaker:** Do any other members wish to speak on this bill?

**Mr. Bounsall:** I wonder, it being the hour that it is, if we couldn't move the adjournment of the debate?

**Mr. Speaker:** I was just going to suggest that.

**Mr. Bounsall** moves the adjournment of the debate.

Motion agreed to.

### REPORTING OF COMMITTEE

**Mr. I. Deans (Wentworth):** Mr. Speaker, before we move the adjournment of the House, there is a matter I want to raise with you.

On Tuesday evening unanimous consent of the House was given for the committee studying Bill 100, in accordance with a report of the procedural affairs committee, to record the proceedings of what we consider to be a bill of special importance.

I want to read to you, if I may, from page 2947-2 of the Instant Hansard, in which I said:

Well, I may, just before you move the motion I want for clarification purposes, to make it clear that that would dispense with the need for the committee to return to the House to receive unanimous consent, that in essence the members present are in effect giving unanimous consent to the committee, if it is the committee's wish to have the hearings recorded.

We went on for some length. The member for Riverdale spoke; and then I asked the House leader the following, which I am taking out of context, but it is the only part I am interested in:

I think we all agree that this is a bill of special importance and that this particular phraseology that's contained in that particular section of the proceedings was intended to be used on just such an occasion. [Referring to the report of the committee previously].

What we are doing is obviating the necessity of the committee coming back to the House but rather we are saying to them in advance that it would be our wish that you would record the hearings and that there is a way it can be done and you don't have to come back to ask for permission. It is already given to you. Is that right?

The House leader, the Chairman of the Management Board (Mr. Winkler), then said:

Exactly correct, as we discussed it, Mr. Speaker; and that the committee will be informed of our consent.

I don't want, any more than anyone else, to start directing committees on all things pertaining to their deliberations. But there are times when this House must surely say to a committee that those matters should be recorded in order that all of us, every single member, can have available to him or to her the words that are spoken in the committee, not only by members of the House but by outside groups appearing at the committee for the purpose of making known their desires with regard to legislation. It isn't possible for every member of the House to sit in the committee, yet it is absolutely essential for every member of the House to have access to all of the presentations. The presentations are not necessarily written, and therefore it is entirely possible that much of what is said by many people who have a deep concern about education and that particular bill will not be available to those of us who are unable to take part in the deliberations because of the decision of that committee.

I am asking you, sir, as the Speaker, acting on behalf of the interests of all of the members of this House, that we should make it clear through you, and you on our behalf to the committee of the House, that we would want that committee's deliberations to be recorded. It is simple and it is not infringing on their rights to conduct a hearing in whatever way they wish. It is simply ensuring that whatever is said about the legislation, in favour or opposed, and whatever is said about it in terms of amendments, will be there for all of us to see and to refer to as we go about talking about the education of the Province of Ontario. I would ask that you do such a thing on our behalf.

**Mr. Speaker:** On a point of clarification, it is my understanding that the matters are being recorded.

**Mr. Deans:** They are not.

**Mrs. Campbell:** No, they are not.

**Mr. Speaker:** Oh, is it a physical limitation?

**Mrs. Campbell:** No.

**Mr. Bounsall:** The recording equipment was there.

**Mr. Speaker:** The committee voted not to do so? Well, this is the first I have heard about it.

**Mr. Deans:** We did say we wanted it done.

**Mr. Bounsall:** And we had agreements.

**Mr. Speaker:** The House gave permission—

**Mr. D. M. Deacon (York Centre):** Mr. Speaker, could I say something on this matter? During the discussion in the committee the concern of the committee was, with justification, I think, that we were spending a lot of money on the extra Hansard for this and unnecessarily because it wasn't of value.

When the whole suggestion for recording first came up, I think some of us pointed out the value that we found in select committees of having available to us for reference at some time, not in printed form but simply in typed form, what had been said by those who were presenting their arguments in discussion. In this particular situation, some of us have expressed the concern about our standing committees, as the previous speaker mentioned, that we haven't had those arguments available to us as we consider these matters in the House here; and since many of the members can't be present at the standing committees, then we should have these matters recorded. That was the understanding, I thought, for the procedural affairs committee in bringing in their recommendation that there be available, if the House so decides, a recording of the events and whatever went on in that committee.

I am certainly disturbed by the events today, and I think the decision might have been different had we indicated to certain of the members of the committee that we weren't insisting on a printed Hansard but that we did want to have a record of what went on. I would urge the House to indicate to the committee that this record would be useful in the later consideration of the committee's report.

**Mrs. Campbell:** Mr. Speaker—

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Speaker, if I may—

**Mr. Speaker:** May I ask further, when you talk of just a recording on tape, do you mean you don't want it transcribed?

**Mr. Deacon:** Just typed and available to us.

**Mr. Deans:** Rough copy.

**Mr. Speaker:** Oh, I just wanted to clarify that. The hon. minister.

**Hon. Mr. MacBeth:** I just want to speak to the matter briefly, Mr. Speaker. My understanding of the discussion last evening was along the line that the committee was free to make its own decision as to whether or not recording should be done.

**Mr. Deans:** Not in the end.

**Hon. Mr. MacBeth:** Now, there was certainly no direction from this House last evening that the proceedings should be recorded, but if the committee decided it wanted it recorded, then it was free to do so. It was left up to the committee. There was some indication given here that it was thought the proceedings were important, and on that basis the committee was free to make that decision. However, I understand the committee decided not to record, and I think that was the way it was left last night; they were completely free to decide whatever way they wanted.

**Mrs. Campbell:** That isn't the way it was.

**Hon. Mr. MacBeth:** I think the House leader's own thought in this matter is that the committee should be free, if possible, to make their own decisions as to procedures. So, I think that we should stick with the decision that was made last night, sir.

**Mrs. Campbell:** Mr. Speaker—

**Mr. Speaker:** Order, please. It's just a little unclear to me. Permission was granted by this House. Now, in the orders, as I recall them from some months ago, the instructions as laid down—I think the hon. member for Riverdale read them the other night—it's unclear as to who shall direct, whether it's the House or the committee. If you just leave it with me overnight we'll try to resolve this difficulty. I understand the wishes of those who have spoken and those who I think were about to speak. If you just leave it with me, we'll arrive at some procedure to accomplish the wishes of the House.

**Mr. Renwick:** Could we discuss this in the morning, Mr. Speaker, before you come down on the wrong side?

**Mr. Speaker:** There won't be anything going on between now and tomorrow morning, I expect, is that right? If you will leave it with us, we will work out a procedure to clarify this tomorrow morning.

**Mr. Breithaupt:** I was going to suggest, if I might, Mr. Speaker, there seemed to be a matter which had come before the House and which was considered by the House at that point to be of special interest. I think it may well be that consideration should be given within the procedural affairs committee to review this second portion of that earlier recommendation. There may well be some members of the House who feel, consent having been given by the House, the committee should then proceed without question to record these matters.

I think, on the other hand, what has happened is that while the intention of the House has been suggested, the committee, of course, has remained free to do as it wished. If we are at some possible cross-purposes in this matter it may well be that this word "consent" may have to be reviewed so that it will be either a matter of the direction of the House sitting as a body or it will be the decision of the committee with only an encouragement from the House.

It may well be that this will have to be reviewed, because I would think there is without question, at least in my mind, a most important bill now being discussed and one of special interest in the terms of that resolution. To think that as a result the deliberations are, unfortunately, not going to be available to us in some permanent form is regret-

table. I would think we would do well, using this example of a bill which I believe is of special interest, to resolve this difficulty.

**Mr. Speaker:** That's exactly what I tried to say in a few words. We will report in the morning before we start.

**Mr. Renwick:** Before the adjournment of the House, are we continuing with this bill tomorrow and then the Minister of Labour's bills?

**Hon. Mr. MacBeth:** It is my understanding we will proceed with the bill that was being discussed before.

**Mr. Renwick:** And then the minister's bills or the bill of his colleague, the Minister of Consumer and Commercial Relations (Mr. Handleman)?

**Hon. Mr. MacBeth:** Subsequent to that, I have the Liquor Licence Act. I am prepared to proceed with my bill and will be here, but the order I have is the Liquor Licence Act, so I think the minister will be prepared to proceed with that.

**Hon. Mr. MacBeth** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:40 o'clock, p.m.



---

**CONTENTS**

---

**Thursday, June 19, 1975**

<b>Ombudsman Act, reported .....</b>	<b>3163</b>
<b>Family Law Reform Act, Mr. Clement, on second reading .....</b>	<b>3184</b>
<b>Reporting of committee .....</b>	<b>3188</b>
<b>Motion to adjourn, Mr. MacBeth, agreed to .....</b>	<b>3190</b>





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Friday, June 20, 1975

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JUNE 20, 1975

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

## HOME BUYER GRANT

**Hon. A. K. Meen** (Minister of Revenue):

Mr. Speaker, with regard to the Ontario home buyer's grant, in the past week there has been considerable comment expressing concern that non-residents of Canada may move directly into Ontario and, if they have not owned a home previously, qualify for grants up to \$1,500. Special attention has been drawn to communities on the border between Ontario and the United States and the suggestion has been made that many Americans see this grant as a windfall and are therefore flocking across the border to buy homes in Ontario from which they will commute daily to the US for employment.

This simply is not the case. My staff have contacted all land registry offices at major border points and have found no indication that this is occurring. I might add that of the 5,000 applicants we have approved to date, none has been a non-resident.

There are very good reasons why non-residents would not be attracted by this legislation. One thousand dollars now and two \$250 cheques over the next two years are hardly sound inducements to involve oneself in two taxing jurisdictions. More practically, any non-resident buying land in Ontario who does not take out landed immigrant status or otherwise qualify for an exemption under the Land Transfer Tax Act, 1974, must pay a tax equal to 20 per cent of the purchase price of the property.

For example, Mr. Speaker, a non-resident who bought a \$40,000 home in Ontario would have to pay an additional \$8,000 in land transfer tax at the non-resident rate.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): There's a great bargain.

**Hon. Mr. Meen:** The home buyers grant was designed, along with other budget measures, to provide an immediate stimulus to

Ontario's economy. I believe that the Act is doing just that and that the fear of any invasion by non-residents to take advantage of the Ontario Home Buyers Grant Act is unfounded.

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): They pushed the panic button too soon.

**Mr. Speaker:** Oral questions. The hon. member for Kitchener.

## SENIOR CITIZENS' PRIVILEGE PASSES

**Mr. J. R. Breithaupt** (Kitchener): A question of the Provincial Secretary for Social Development, Mr. Speaker, with respect to what are apparently some comments in a discarded speech of the Premier (Mr. Davis) that was to be made at Brampton, concerning new senior citizens' privilege passes: Can the minister advise if these passes are a duplication of the ones which the federal government is also issuing as identification and useful items for senior citizens, or what is the purpose that these additional sets of passes are to have for the senior citizens of the province?

**Hon. M. Birch** (Provincial Secretary for Social Development): Mr. Speaker, it is my information that it is under consideration. Of course, there would be no duplication because it would be outlining the facilities that are available through the provincial government here in Ontario for senior citizens.

**Mr. Breithaupt:** This pass would include some sort of a folder or other information that would give them telephone numbers to call or various other sources of information? Is that the intention?

**Hon. Mrs. Birch:** As well as free access to provincial parks and other institutions within the Province of Ontario.

**Mr. B. Newman** (Windsor-Walkerville): Supplementary, Mr. Speaker: Could the minister advise whether the pass will include provision for the individual's old age security number, social insurance number and hospital number, so that that senior citizen could have

all of that necessary information on just the one card?

**Hon. Mrs. Birch:** That sounds like a very excellent suggestion, but as I pointed out, it is under consideration within the Ministry of Community and Social Services at the moment.

**Mr. F. Laughren (Nickel Belt):** We have heard those promises before.

#### PORTRAYAL OF VIOLENCE BY COMMUNICATIONS INDUSTRY

**Mr. Breithaupt:** I have a further question of the Provincial Secretary for Social Development. Does the secretary have any comment to make with respect to the article written by Mr. Pierre Benoit in the *Ottawa Evening Journal*—

**Mr. J. E. Stokes (Thunder Bay):** That's quite a good one.

**Mr. Breithaupt:**—concerning the matter of violence and leadership, in which he states:

At the same time, it must be said that the Premier, more than any other politician in this province, has an obligation, if he is going to talk about getting at the root of some of today's social ills, to do something more than posture about it.

Can the minister advise if there are to be any particular statements that are going to go into details as to resolving the kinds of concerns Mr. Benoit appears to have?

**Mr. V. M. Singer (Downsview):** Did he say that?

**Hon. Mrs. Birch:** Mr. Speaker, I might respectfully suggest that the hon. member direct those questions to the Premier himself when he is in the House.

**Mr. J. F. Foulds (Port Arthur):** He is never in the House.

**Hon. Mr. Grossman:** Where is the NDP leader?

**Mr. Foulds:** Probably having breakfast with the Premier.

#### ONTARIO HOUSING CORP.

**Mr. Breithaupt:** A question of the Minister of Housing: Is the Minister of Housing aware of comments made by Ald. Robert Callaghan in Brampton that he considers the Ontario Housing Corp. is speculating in homes and

that the OHC should be subject to the land speculation tax? Can the minister advise if the developments in Brampton, where price changes are apparently rapidly going on because of the growth of the community, are being investigated by his ministry?

**Hon. Mr. Grossman:** Very good. We will take ourselves some tax.

**Hon. Mr. Handleman:** The government tax itself? That will be a silly day.

**Hon. D. R. Irvine (Minister of Housing):** Mr. Speaker, I am not aware of the specifics to which the hon. member has referred, but I don't know where we are speculating. What we are doing in home developments, as members know, is leasing the land for five years in order that no particular person may gain by the escalation in home prices. In the past, there was an opportunity for a person to purchase the land directly and resell within a year or two. As it is now, they have to lease the land for five years and then they have to pay the market value of the land. So I don't really believe that anyone is gaining whatsoever in this deal, and certainly we are protecting the people of the province by having the land leased for the first five years.

**Mr. Speaker:** The member for Sandwich-Riverside.

#### AEROSOL PROPELLANTS

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, I have a question of the Minister of the Environment regarding the decision reported yesterday in the *Globe and Mail* by the Johnson wax people of the United States to stop immediately the use of fluorocarbons in their aerosol products, and their decision to use alternative and cheaper propellants such as carbon dioxide.

Inasmuch as there is now no excuse for any aerosol manufacturer to continue the use of fluorocarbons, will the minister press for the immediate elimination of their further use in Ontario at least?

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, I did talk about this the other day in here. I said the use of fluorocarbons and other propellants in aerosol cans is really a universal problem, as the member is aware. I noticed that the company has said it will no longer use fluorocarbons but would use a cheaper method of propellants. I think that is a very commendable gesture on the company's part but I would like to know



what propellants it is going to use and what effect they might have.

Certainly, at this point in time, within the ministry we are constantly in touch with the US Environmental Protection Agency which is doing massive tests this year on the effects on the upper atmosphere of fluorocarbons and other propellants and how they can affect the ozone layer. Environment Canada is also doing considerable testing this summer and we want to await the results of these tests before we make any move in the Province of Ontario.

To make a move in the Province of Ontario would be a very small portion of a total universal problem and we would like to see the results of these tests which I assume they are doing this summer and will be available this fall.

**Mr. Burr:** Mr. Speaker, inasmuch as the fluorocarbons have been pointed to by almost every scientist, except those employed by the vested interests, as being potentially lethal to the planet, why not declare a moratorium, at least in Ontario, and perhaps this would have a domino effect on other jurisdictions?

**Hon. W. Newman:** Mr. Speaker, there have certainly been conflicting reports among the various scientists; one always does get that when one has scientists working on these situations. I think that is one of the main reasons the extensive testing is going on this year. I'm going to wait until we get some firm results from the tests being done by the EPA and Environment Canada.

**Mr. Speaker:** Are there any further questions?

### BICYCLE LICENSING

**Mr. Burr:** Mr. Speaker, I have a question of the Minister of Intergovernmental Affairs—

**Mr. R. F. Ruston (Essex-Kent):** The Treasurer.

**Mr. Burr:** —otherwise known as the Treasurer.

**Mr. M. Gaunt (Huron-Bruce):** The minister is engaged this morning.

**Mr. Ruston:** Get the member for Oshawa (Mr. McIlveen) out of the minister's hair.

**Mr. Burr:** It is regarding bicycle licences. Is the minister giving favourable consideration to the request of the Windsor city council that there be provincial legislation governing the licensing of bicycles as the best means

of combating the theft of bicycles which is now difficult to prevent because of the lack of uniform legislation in neighbouring communities?

**Hon. W. D. McKeough (Treasurer and Minister of Intergovernmental Affairs):** Mr. Speaker, that resolution, as I recall, was referred to my colleague, the Minister of Transportation and Communications (Mr. Rhodes), for his comments and views.

**An hon. member:** Where has he been?

**Hon. Mr. McKeough:** I don't know that we've heard back from him as yet. The answer to your question, am I giving it consideration, is no, not at the moment but it's an interesting thought.

**Mr. Ruston:** Watch out, the minister doesn't have a hold on it.

**Mr. Stokes:** The Minister of Transportation and Communications is still starry-eyed. He was on the radio this morning.

**Mr. Burr:** I might ask the Minister of Transportation and Communications: Has he had any communications from the provincial Treasurer on this subject? Is he considering this transportation question?

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Mr. Speaker, I didn't hear the original question. I was not for a moment questioning that the Treasurer had not contacted me; I'm sure he has. I missed the original question. Was it mopeds or bicycles?

**Mr. Burr:** Just plain, ordinary, archaic bicycles.

**Mr. Ruston:** Foot bikes.

**Hon. Mr. Rhodes:** Yes, I've had contact with the Treasurer on that subject and, quite frankly, we are not considering anything.

**Mr. Foulds:** They are really backpedalling on this one.

**Hon. Mr. Rhodes:** Seriously, Mr. Speaker, we have made contact. Our opinion has been asked on it and we're not overly enthralled about the licensing of bicycles per se. There is capability within the municipality to license but we recognize that the fee is quite low. I think it is only permitted up to \$1; that is the maximum. I can't comment on the backpedalling comment that was made by one of the member's colleagues, because the expertise is all on that side of the House.

**Mr. Burr:** Supplementary: The question is not primarily the amount of the licence but

it's a fact that if one municipality has licences on bicycles and the next hasn't then the problem of theft is almost impossible to combat.

**Mr. Stokes:** For purposes of registration.

**Hon. Mr. Rhodes:** Quite frankly, I'm sure the hon. member knows from his experience in the past in other jurisdictions that the licensing of bicycles is a very difficult situation and we feel that there is every reason to leave that at the municipal level. That's our immediate reaction to the request. We'll discuss it. Perhaps it does have some application on a province-wide basis, but goodness, some of these things have to be left, I think, to the municipal level. Surely there is something in the world we don't have to put a licence on?

**Mr. Speaker:** Any further questions?

#### COMMUNITY SERVICE SENTENCING

**Mr. Burr:** I have several questions but the ministers aren't here. I'll ask one more of the Provincial Secretary for Justice regarding community service sentencing for certain kinds of offenders in place of prison terms. Has the minister had time to plan how to further this type of sentencing, both as a means of reducing the prison population and, perhaps more important, of rehabilitating the offenders.

**Hon. J. T. Clement** (Provincial Secretary for Justice): Yes, Mr. Speaker, as the hon. member probably knows, this has been tried in certain jurisdictions in western Canada, not for an extended period of time, but in the short time that it has been in effect it would seem to be very positive in nature for a number of reasons, particularly when restitution is involved and the prisoner attains employment at the community level.

We have discussed it for the past three or four weeks, and as recently as yesterday the secretariat had produced a paper on it. I have that paper, but I have not read it. It is in my office. I had it presented to me yesterday morning by the deputy minister and we intend to explore this matter to see if it, in fact, has a positive role in this province. I should add that certain people connected with the courts, namely provincial court judges and probation case workers in the Kitchener and Ottawa areas, have indicated a tremendous interest in this type of programme and we are interested in it too. I think we may move in that direction.

**Mr. Speaker:** The member for Grey-Bruce.

#### ONTARIO LOTTERY

**Mr. E. Sargent** (Grey-Bruce): Mr. Speaker, in view of the fact the Minister of Culture and Recreation (Mr. Welch) doesn't touch base as much as he probably should, considering the salary he receives, I'll ask this question of the chief law officer of the province. If the Ontario lottery laws were to be operated under the restrictions imposed on business, the present lotteries here are verging on fraud. In view of the fact that less than 50 per cent of the prizes offered are being redeemed—only \$500,000 has been paid out and \$1.4 million was offered—the odds against winning are completely unfair, in that the tickets—

**Mr. Speaker:** Is there a question?

**Mr. Sargent:** Yes, there is, Mr. Speaker, but it's a very involved thing to get through to the minister—

**Mr. P. J. Yakabuski** (Renfrew South): It's pretty successful. The people love it.

**Mr. Sargent:** It is completely unfair, in that the unsold tickets—over half a million of them last week—are put back into the computer and the people are competing against unsold tickets. The control of the unsold tickets—

**Mr. Speaker:** Order, please. I think it's time you asked the question.

**Mr. Sargent:** I have to have a preamble here, sir.

**Mr. Speaker:** It seems to me it is the same question that was asked the other day. But if the member wants to ask it, go on.

**Mr. Sargent:** Okay, I'll go along with that, but the minister is not here to provide the information. So I want to suggest to you, sir, that we're getting close to something that could be called fraud being perpetrated on the public of Ontario.

**Mr. G. Nixon** (Dovercourt): Come on, he should stop kidding himself.

**Mr. Yakabuski:** Come on.

**Mr. Sargent:** The facts are here if they want to hear them.

**Mr. Speaker:** Order, please. Will the member—

**Mr. Sargent:** They're yakking away and they don't know what they are talking about.

**Mr. Speaker:** Order, please. Will the member ask a question now?

**Mr. Sargent:** All right; will the minister look into this whole situation, because it's a bad situation? It's a very shabby operation.

**Mr. Speaker:** Order, please.

**Hon. Mr. Clement:** Mr. Speaker, I will direct my colleague, the Minister of Culture and Recreation, to look into the matter of the odds or the unusually high odds against the participant, as I understand the observations of the member for Grey-Bruce. Insofar as any allegation of fraud is concerned, if he is alleging that there is being a criminal fraud practised on anybody—

**Mr. Sargent:** I don't mean that. The framework is wrong.

**Hon. Mr. Clement:** The member is talking in terms of statistics—

**Mr. D. M. Deacon (York Centre):** Yes, we are.

**Hon. Mr. Clement:** —as opposed to a criminal act. I would say that it would be the responsibility of my colleague. If he has any feeling that there has been a criminal fraud practised, then I must take notice of it and have an investigation, and I would ask him for particulars of the fraud. Perhaps in the interest of expediency we could talk about this at the conclusion of the question period.

**Mr. Sargent:** Supplementary, Mr. Speaker: I am concerned at the fact that figures this morning show there are still—

**Mr. Speaker:** Order, please. We are debating the matter now—is there a question?

**Mr. Sargent:** —in view of the fact that there are 1,980 tickets still kicking around and the fact that there is still \$100,000 worth of tickets out in the hands of distributors who, knowing the series number, could well give these to friends to turn them in—

**Mr. Speaker:** Order, please. Will the member get to the question?

**Mr. Sargent:** So, would the minister look into this matter?

**Mr. Ruston:** Good point.

**Hon. Mr. Clement:** Mr. Speaker, I would just say this; as I understand it, the tickets are paid for before they are delivered. If a distributor had 1,900 tickets and had paid for them, presumably he would be entitled to the prize.

**Mr. Sargent:** I don't understand that this morning; I don't understand that. My information is that this is not so.

**Mr. Speaker:** The member for Sudbury.

## FUNDING OF HIGHWAY PROJECTS

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, a question of the Minister of Transportation and Communications: Now that he has decided to pick up 100 per cent of the cost of that part of Highway 17 known as the Queensway in Ottawa, does he realize that we have a Kingsway in Sudbury, which is also part of Highway 17, and which he has not seen fit to fund at the same rate? Is this a matter of straight sex discrimination or can the minister otherwise justify why the citizens of Ottawa should be relieved of this expense, whereas the residents of other cities also on Highway 17 do not receive the same favouritism?

**Mr. Laughren:** Change the name.

**Hon. Mr. Rhodes:** Mr. Speaker, no one is receiving any favouritism at all and certainly there was no sexist implication in the selection of a Queensway over a Kingsway.

**An hon. member:** Call it personway.

**Hon. Mr. Rhodes:** We would certainly look into that, though, and perhaps see if that was part of the criteria. Quite frankly, rather than take the time of the House to explain the new formula or the new approach we have taken, I would like to send the hon. member the information we have put together as it determines a controlled-access urban freeway. This was the main factor concerned as to whether or not we would pick up costs for maintenance or not. I'll send that to him and not take the time of the House at this time; then, if he wishes further questions, I would be pleased to respond.

**Mr. Germa:** Supplementary, Mr. Speaker: Is the minister saying that he is now picking up 100 per cent of the costs of all controlled-access highways? Is that what he is saying?

**Hon. Mr. Rhodes:** No, Mr. Speaker, that is not what I am saying. If the hon. members wish me to go through a detailed explanation of the new process I will be happy to do so—and it will take care of the question period for today and Monday.

But what I would rather do is simply say to him we are not picking up 100 per



cent of the costs in all controlled-access highways. We are talking now about what we have defined as an urban expressway. I would like to send the information to him and if he has further questions at that time, either here or privately, I would be pleased to answer them for him.

**Mr. Speaker:** The hon. member for Downsview.

#### KRAUSS-MAFFEI SYSTEM

**Mr. Singer:** Mr. Speaker, I have a question of the Minister of Transportation and Communications. In view of the fact that he promised some time ago that he would advise us as to the total throw-away cost of Krauss-Maffei, and in view of the fact that he has not yet given us the information, is it reasonable to expect that he is going to tell us how much the disastrous experiment in Krauss-Maffei has cost the taxpayers of Ontario?

**Hon. Mr. Rhodes:** Mr. Speaker, first of all, yes, I have said that I would provide those figures, and I will do so. I will also say that there are no throw-away costs whatsoever.

**Mr. Singer:** Oh, no, no.

**Hon. Mr. Rhodes:** I hate to disillusion the member, but he has been chomping on this now for a long time—and all he is going to have is black feathers around him when I put the figures on the table.

**Mr. Singer:** By way of supplementary: Would the minister not agree that when we have spent something in the neighbourhood of \$50 million on magnetic levitation, which we haven't got, that really it is a throw-away cost?

**Hon. Mr. Rhodes:** Mr. Speaker, the member's figures are totally inaccurate.

**Mr. Singer:** I have asked the minister for figures. He doesn't produce them.

**Hon. Mr. Rhodes:** I have said to the member, and I have made a statement in this House—as late as in my estimates—that these figures will be tabled in this House.

**Mr. Sargent:** The minister is stickhandling again.

**Hon. Mr. Rhodes:** They will be here.

**Mr. Singer:** Sure. It is a throw-away.

**Hon. Mr. Rhodes:** It's not a throw-away at all.

**Mr. Speaker:** The member for Yorkview.

#### DUMP TRUCK OPERATORS' AGREEMENTS

**Mr. F. Young (Yorkview):** Mr. Speaker, I have a question of the popular minister this morning, the Minister of Transportation and Communications. I wonder if the minister could provide an answer to the question I raised in the estimates some time ago about the charge, which was made at certain contractors' meetings in Ontario, of demanding as a condition of employment from truckers that they sign an agreement which said those trucks for the employer and could be penalized if they couldn't provide them, while at the same time the employer did not guarantee any employment whatsoever to the truckers?

**Hon. Mr. Rhodes:** Yes, Mr. Speaker, the member did raise that matter with me in estimates. He was kind enough to provide me with a copy of the particular contract he referred to, or the wording of it. I have asked my legal people to look at that contract and to give me their opinion of it, I have some of that information. I had intended to forward it to the member for his consideration but if he would rather I brought it here to this House, I can do that.

**Mr. Speaker:** The member for Huron-Bruce.

#### HOME BUYER GRANT

**Mr. Gaunt:** Mr. Speaker, I have a question of the Minister of Revenue following his statement. If the minister really feels the home buyer grant is no incentive to non-residents to come over here and buy homes, why is the programme being advertised in the Detroit papers?

**Hon. Mr. Meen:** Mr. Speaker, I have no personal knowledge of the advertisement in the Detroit papers. Some people must be thinking they can con some Americans—and these are real estate people I suppose—into coming over and buying and perhaps not bothering to tell them about our 20 per cent non-resident tax—

Interjection by an hon. member.

**Hon. Mr. Rhodes:** Look at the pot calling the kettle black.

**Hon. Mr. Meen:** —which is such an obvious disincentive.

**Hon. Mr. Handleman:** It would come under Bill 55 if they advertised in Ontario.

**Mr. Speaker:** A supplementary, the member for Welland South.

**Mr. R. Haggerty (Welland South):** I would like to direct a question to the minister. In his statement this morning, he mentioned the 20 per cent land tax; I quite agree, it is there now and it applies but in my particular instance, the reason I moved the amendment of the bill—

**Hon. Mr. Meen:** Would the member speak up, please? I can't hear him.

**Mr. Haggerty:** In the minister's statement this morning concerning my amendment to the first-time home buyers programme in Ontario, I moved the amendment to curtail it by saying one must be a resident of Ontario for at least 12 months. Under the Ontario Health Insurance Programme, there is a stipulation that one has to have residence in Ontario for three or four months—I think it is three months. The point is, the minister mentioned the 20 per cent land tax; the land tax may well mean there is a sizable income coming to the Province of Ontario but is he aware that when land is purchased in the town of Fort Erie—I'm talking about a lot—the \$1,200 to \$1,500 provided through the first-time home buyers' programme will offset that land tax? Is the minister aware of that? Is he aware also that because of the overgenerosity of the federal government, any American, a particular American, can come into the community, a border town—

**Mr. Laughren:** Is the member attacking the federal government?

**Mr. Haggerty:** —buy land and as long as he can show he has paid municipal taxes for 10 years, he can qualify for old age pension without contributing to it? These are the loopholes and I am suggesting they should be plugged.

**Hon. Mr. Meen:** Mr. Speaker, I have no idea of the second point the member mentions. It sounds to me as if it is strictly in the federal end of things. From the standpoint of purchasers, though, by non-residents if they are, in fact, non-residents they would have paid a 20 per cent non-resident tax. We have no record whatever, in the 5,250 applications approved to date, that any single one of those was a non-resident. I have no information whatsoever which would confirm what the member has been suggesting.

**Mr. Haggerty:** A supplementary, Mr. Speaker: May I ask one more question of the minister? Will the \$55 million which was set aside in the budget be spent on the home buyers programme? If we only have 5,000 applications now, we're not going to make it by the end of the year.

**Hon. Mr. Meen:** Mr. Speaker, the programme is under way, of course, but I expect it's an exponential curve rather than a straight-line function between now and the end of the year.

**Hon. Mr. Grossman:** How about that one?

**Mr. Deacon:** We should put the money into increasing the availability of land.

**Mr. Stokes:** I'm all for that, I think.

**Hon. Mr. Meen:** The rate of grants will increase rather than decrease, and the function therefore will probably prove out fairly close to the estimate.

Interjections by hon. members.

**Mr. B. Newman:** Supplementary: Would the minister provide us with statistics showing how many American citizens have taken advantage of this programme by becoming landed immigrants?

**Hon. Mr. Meen:** Mr. Speaker, I cannot undertake to give that information because that is not one of the criteria. The fact of the matter is that the applicant is a resident. We do not have information as to whether they are American citizens or citizens of any other country of this world. If they have settled here and have become residents, then they have qualified; therefore, my statistical information on these grants would not include that information.

**An hon. member:** Racist.

**Mr. Speaker:** The member for Nickel Belt.

## TRUCK LOAD COVERS

**Mr. Laughren:** I have a question of the Minister of Transportation and Communications.

**Mr. Breithaupt:** Another one.

**Mr. Laughren:** Am I correct in my assumption that regulations have been prepared but not proclaimed to govern the covering of loose loads on dump trucks in the Province of Ontario?

**Hon. Mr. Rhodes:** Mr. Speaker, that is correct. The regulations had been prepared.

We had not brought the regulations forward until we had received the report from the dump truck industry. This was part of that inquiry. We have the recommendations. Dump trucks are primarily the offenders in this area. We asked that that be part of Mr. Rapoport's report; we have that report, and he has made a recommendation.

As I said to one of the member's colleagues earlier this week, I'll be tabling that report in this House, along with some of the things we think we can implement immediately.

**Mr. Sargent:** It will be late July.

**Hon. Mr. Rhodes:** Mr. Speaker, it will not be late July; it will be early next week.

**Mr. Speaker:** The member for York Centre.

#### CAPITAL GRANTS FOR TRANSIT SYSTEMS

**Mr. Deacon:** The Minister of Transportation and Communications seems to be the one for questions this morning.

**Hon. Mr. Rhodes:** The Minister of Housing is absent.

**Mr. Deacon:** In view of statements made recently by treasurer Kearns and general manager Morley of the TTC that the extra cost of vehicles they purchase doesn't matter because somebody else will pay for them, will the minister change the formula for making grants to these transit systems so that there is a fixed amount payable toward the capital cost, rather than a percentage of the eventual cost, in order that there will not be an incentive for these organizations to feel, because of a 75 per cent grant, that somebody else is paying for them?

**Hon. Mr. Rhodes:** Mr. Speaker, to apply a fixed cost, of course, would be to go back to the old formula that was in effect prior to the change of going to the 75 per cent and removing the ceilings on operating deficits.

Certainly there would be no difficulty at all to go to a fixed-cost basis. I think the hon. member should keep in mind—and he is referring primarily to the acquisition of the 200 streetcars—one of the problems there is that Metro in particular was prepared to pick up its share of the costs at the then quoted price. If we had a fixed price on that, with the inflation that has taken place and the increase in the cost of these vehicles, a tremendous extra burden would be placed upon the taxpayers in Metro alone. We think that by having this scale on a percentage basis,

it allows the province, through its formula, to pick up a fair share of those increased costs.

I know what the hon. member has in mind—I don't disagree with his thoughts—to provide an incentive to increase ridership on public transit. We discussed it in estimates. I think those factors can be taken into consideration once we have had the confirmation from the Hon. Mr. Marchand, which I understand is not too far off, as to what the federal government's involvement will be in assisting in the funding of rolling stock for urban transit. Then I think we can sit down and work out some sort of an arrangement for the proper funding formula to get as much of that money as possible into the hands of the municipality.

**Mr. Deacon:** Supplementary: What I am asking the minister is, if he will work out an agreed amount to be made available for subsidy, and to leave it up to the purchasing agency to pay any overage, so that they have the responsibility for paying a full dollar for every extra dollar over and above that grant. In this way, there would not be the feeling on their part that for every 25 cents they spend they will get 75 cents from somebody else, and that there is really no pressure on them to be really sure the prices are kept in line.

**Hon. Mr. Rhodes:** Without repeating what I have said, I don't totally disagree with what the hon. member is saying. I am concerned that if we had a fixed amount of dollars laid on, Metro and the TTC, in this particular case then the total increased price would have had to be picked up entirely by Metro for the acquisition of rolling stock that has been inflated in price through no fault of theirs at all, just inflation in general.

If we could work out something that is going to give more incentive to the operator, I would agree 100 per cent that they should get more incentive. That is one of the reasons we have been very careful in our dealings with the federal government on their 25 per cent involvement. We just do not agree that transit operators in this province should be given 100 per cent of the costs of rolling stock. In essence, that provides the municipality with disposable vehicles. We don't agree with that and that's one of the things we are looking at very carefully now to be sure there is some responsibility on the part of the operating agency to be involved financially to keep them interested in maintaining and improving their operation.



**Mr. Speaker:** The member for Thunder Bay.

### MOBILE DENTAL SERVICES

**Mr. Stokes:** I have a question of the Minister of Health. Since the two railway dental cars that normally service northern Ontario are old and obsolete—one of them has already been taken out of service—and since we have communities in northern Ontario that haven't had a dentist in five years, and since there are many communities not served by railway dental cars, will the minister undertake to do two things: First, to set up a system of mobile clinics that will be operated along the highways in the province in northern Ontario; and second, upgrade the railway dental cars so that everybody in the Province of Ontario will be able to avail themselves of dental service regardless of where they may live?

**Hon. F. S. Miller (Minister of Health):** Mr. Speaker, it is nice to get a question. I had been sulking here in the last 45 minutes while the Minister of Transportation and Communications was getting all the attention.

**Mr. Stokes:** Use his roads and his railroad to provide a dental service.

**Hon. Mr. Miller:** Really, on that basis the question should go to him.

**Mr. Singer:** The minister's words aren't very good nor are his actions.

**Hon. Mr. Miller:** In all sincerity, I have been considering the whole issue of mobile dental service over the past months. I don't know whether I am going to find the moneys to expand the service. The member and I haven't any basic disagreement upon the need; I accept the need. I am just trying to find some way within the budget to get money to expand the service either in total numbers or in some other way.

**Mr. Stokes:** A supplementary question: Does the minister not think it should be given top priority within your ministry and within the government inasmuch as we have grade 8 students who haven't seen a dentist in their entire lifetime; and when they go to a dentist, after having travelled 250 to 300 miles, the dentist finds it necessary to put in partial plates?

**Hon. Mr. Miller:** Mr. Speaker, I think you could find that right in the middle of the city of Toronto too, sadly enough. I think fluorida-

tion has helped a lot, although we have 80-odd per cent of the people of the province, I think, on treated water now who are on municipal supplies.

**Mr. Laughren:** Not in Gogama.

**Mr. Stokes:** When can we expect some action?

**Hon. Mr. Miller:** When can the member expect action? I am not going to give him a specific date. I am working on it. I agree it is a very important issue.

**Mr. Speaker:** A supplementary question, the member for Kitchener.

**Mr. Breithaupt:** I am wondering if the Minister of Health can advise us what the expected costs of this upgraded programme would be? Are there any rough figures in that area?

**Hon. Mr. Miller:** If I recall the figures, and the member for Thunder Bay may correct me, it is roughly \$60,000 per year per car.

**Mr. Laughren:** Supplementary, Mr. Speaker: In view of the fact that not only are the dental care facilities lacking but also medical, would the minister undertake to launch a programme of nurse practitioners for the small communities in northern Ontario as well?

**Hon. Mr. Miller:** Mr. Speaker, we do have a fair amount of nurse practitioner programming going on. I don't find the medical deficiencies half as grave, relatively speaking, as the dental ones. I think the shortage of dental personnel is more acute throughout the province in general. Steps have been taken by the province over the past few years to improve the supply of medical and paramedical personnel throughout the province. They have been more successful than most jurisdictions which have geographic problems. They are not totally successful but I am hopeful that within a year or so we will have enough graduates, who have already tied themselves to bursaries which require them to go to an area of need, to fill virtually all the presently unsatisfied areas.

**Mr. Stokes:** The \$60,000 figure the minister quoted as one-twenty thousandth of the health budget. Doesn't he think he could get on with it?

**Mr. Speaker:** The member for Windsor-Walkerville.

### NEEBING-McINTYRE INTERCEPTOR SEWER

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of the Environment: Could the minister inform me whether the construction of the Neebing-McIntyre interceptor sewer, a project under the Canada-Ontario northwestern Ontario subsidiary agreement, has any provincial financial involvement?

**Hon. W. Newman:** Mr. Speaker, what was that project again? We have 425 going on and it is hard to remember them all.

**Mr. B. Newman:** The Neebing-McIntyre interceptor sewer.

**Hon. W. Newman:** Interceptor sewer? I would have to check to see if we are involved financially and I will let the member know.

**Mr. B. Newman:** May I ask the minister, while he looks into that to check and inform the House what the provincial government's policy is toward the use of services and facilities of Canadian versus American contractors?

**Hon. W. Newman:** Maybe the member is talking about one of the DREE programmes. Is he talking about this contract up in northern Ontario? Did I not give him a note on that, pointing out that the contract was let by the municipality, not by this ministry? It's a municipal project, I believe, the one he is talking about, because it is funded by DREE.

The policy in our own ministry is we accept the lowest tender but if there are specific problems or if we can give Ontario residents preferential treatment and there appears to be very little difference between contractors we will look at the whole thing and, perhaps on the basis of Ontario residence, try to give them a fair break. We had a situation this year with one of our contracts. Two people bid and they were very close and we gave it to the Canadian.

**Mr. B. Newman:** A supplementary, Mr. Speaker: Is the minister aware that, in the contract I mentioned under section (b), the tenders were \$3,371,000 by a Windsor contractor and \$3,346,000 by Ferrera-Resco Ltd., a US contractor? The difference was only some \$25,000, much less than 10 per cent, yet it still went to an American concern.

**Mr. Sargent:** Shame.

**Mr. Speaker:** The member for Port Arthur.

### TRANSPORT FOR HANDICAPPED PERSONS

**Mr. Foulds:** Thank you, Mr. Speaker. A question of the Minister of Transportation and Communications: Has the minister had an opportunity to reply to the brief of the handicapped action group, presented to the provincial cabinet on May 15, as it pertained to the funding of the Handivan for handicapped people in Thunder Bay?

**Hon. Mr. Rhodes:** No, Mr. Speaker, I have not responded directly to that particular brief. Answers to all of the briefs which came in from that meeting and which pertained to my ministry are being prepared and we will be **getting them out as soon as we possibly can.**

**Mr. Foulds:** A supplementary, Mr. Speaker: In view of the urgency of the situation—the minister may recall that the grant which, I believe, was an LIP grant runs out on July 6—and in view of the letter I sent the minister last week, which may not have been drawn to his attention yet, could he give that top priority for consideration over the next week so that the people in the handicapped group could have some resolution of the problem before their financial deadline of July 6?

**Hon. Mr. Rhodes:** Mr. Speaker, I can't give any guarantee this is going to happen because, with the Ministry of Community and Social Services, we are in the process of trying to develop a provincial-wide policy to **provide transit for handicapped persons.** This simply points out once again one of the fallacies and the weaknesses of that LIP programme which has been carried on. Funding has gone out, it is cut off and they leave people in a position of having a service so they naturally turn to—who else?—the **municipality or the province, to carry on programmes which the federal government seeds yet it doesn't have the intestinal fortitude to carry out or carry on.**

**Mr. Speaker:** The member for Kitchener.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Foulds:** A supplementary, Mr. Speaker.

**Mr. J. R. Smith (Hamilton Mountain):** Send helicopters down.

Interjection by an hon. member.

**Mr. Foulds:** Does the minister not think—

**Mr. Ruston:** The ministers have Cadillacs to take them to the Royal York.

**Mr. Foulds:**—that it would be more useful to respond to the need of the handicapped people in the area, which has been proven through the LIP programme, rather than trying to play this kind of game of blaming the federal government for not continuing the funding?

Surely, the important thing is not where the funding comes from, but that these people who have found a productive role in our community because of the transit van, be assured of the continuance of that productivity in our community—not only for their own benefit, but for the economy of the province.

**Hon. Mr. Rhodes:** Mr. Speaker, I completely agree. I simply am saying that, surely to goodness, the responsibility for carrying on these programmes cannot continually be dumped back into the laps of the municipal government or the provincial government. We recognize that there has been an excellent job done in a number of municipalities to help transport the handicapped, and that they've had difficulty in getting funding. We hope that we can develop, and I think we can, a very reasonable and rational provincial policy that will apply right across this province, and will be a continuing programme—not starting something that is worthwhile and then dropping it. Surely there is some responsibility there to get adequate funding into these programmes and to keep it up.

**Mr. Foulds:** Supplementary, Mr. Speaker.

**Mr. Speaker:** Order, please. The time has almost expired, and there are several people wishing to ask new questions; and it has become a debate now. The member for Kitchener.

## GO TRANSIT

**Mr. Breithaupt:** A question, obviously, Mr. Speaker, of the Minister of Transportation and Communications. With respect to the extension of the GO Transit system to Georgetown and the use of buses to fill in from various areas there, can the minister advise if he's going to be making any statement in the House with respect to the use of the CPR line in the area? And is he making any plans or having any surveys done with respect to service to the town of Orangeville, which is a very rapidly growing community and which would require, if not this service, at least some widening of Highway 10?

Are there any programmes that the minister can announce or investigations which are going on with respect to the transportation for people in that particular corridor?

**Hon. Mr. Rhodes:** Mr. Speaker, I can't give any details on that particular fact, as these are studies that are carried out by the Toronto Area Transportation Operating Authority in conjunction with the municipalities that would be involved. We are looking at the extension of the service, as has already been announced, through to Streetsville and Milton.

**Mr. Sargent:** Including Owen Sound?

**Hon. Mr. Rhodes:** We hope to get some CP tracks used in that area and bus service that will feed into that particular line. As far as the Orangeville area is concerned, I cannot give the member an answer. I'll try and find out and let the member know.

**Mr. Speaker:** The member for Windsor West.

## MOPEDS

**Mr. E. J. Bounsall (Windsor West):** Another question of the Minister of Transportation and Communications, Mr. Speaker: Since the minister has defined mopeds, or those vehicles which fall into the moped classification, by and large, as bicycles, has the minister had conversations or made arrangements with the Ministry of Natural Resources regarding the entry of mopeds into provincial parks without requiring a vehicle permit? And, further, has the minister had any contact at all with the federal parks to ensure that these mopeds, which he classifies as bicycles, are not vehicles in terms of requiring a vehicle permit for park entry?

**Hon. Mr. Rhodes:** No, Mr. Speaker, I have not had any discussion with either the Ministry of Natural Resources or the federal parks people. I suppose if a problem arises they will let me know. I'm hoping to resolve that problem in the very near future by making them vehicles.

**Mr. Bounsall:** Supplementary, Mr. Speaker: Is the minister not aware that, at least for federal parks, they have classified the mopeds, those that are legitimately mopeds as well as being vehicles, and therefore are requiring the 14- and 15-year-olds who are riding them into the parks to obtain a vehicle permit?

**Mr. Sargent:** The minister should buy 26 of them for the cabinet.

**Hon. Mr. Rhodes:** No, Mr. Speaker, I was not aware that this was happening. This is the first time it's been brought to my attention.



**Hon. Mr. Grossman:** The mopeds are on that side.

**Mr. Laughren:** Does the Provincial Secretary for Resources Development feel he is a moped in a world of Harley-Davidsons?

**Hon. Mr. Rhodes:** There may be a problem in the classification of what is a vehicle within the National Parks Act; I don't know. I'll look into it and see what we can do.

**Mr. Speaker:** The member for Grey-Bruce.

#### OIL AND GAS DRILLING

**Mr. Sargent:** Mr. Speaker, a question of the Minister of the Environment. This morning the news said there are bills pending in New York and Ohio state legislatures to open Lake Erie for gas and oil drilling. I understand that Ontario has about 100 of these drilling rigs there for gas and oil now. They are going to request the minister's help in blocking this legislation, but does the minister have any plans to do such drilling in Lake Huron and Georgian Bay?

**Hon. W. Newman:** Mr. Speaker, I think that question should be more properly directed to the Minister of Energy (Mr. Timbrell). As far as the environmental aspects of it are concerned, we are very much involved in any permits that would be going out in the Province of Ontario.

**Mr. Sargent:** A supplementary.

**Mr. Speaker:** One short supplementary.

**Mr. Sargent:** Are there any additional permits being issued? Secondly, does the minister have any plans to block such things in Lake Huron and Georgian Bay? Yes or no?

**Hon. W. Newman:** No.

**Mr. Speaker:** The member for Thunder Bay.

#### NATIONAL TRANSPORTATION POLICY

**Mr. Stokes:** I have a question of the Minister of Transportation and Communications. What does he think of Jean Marchand's recent announcement on a transportation policy and how is it going to affect modes of transportation in the Province of Ontario?

**Hon. Mr. Handleman:** What policy?

**Mr. Foulds:** Answer in 25 seconds or less.

**Hon. Mr. Rhodes:** Mr. Speaker, I had an opportunity to discuss that particular statement prior to it being made. Also, I have had a chance to read it now that it has been made. I don't think there is a policy there as yet. It's a philosophy. Hopefully, it will be followed up by a policy in the near future, but the statement as I understand it does not really say too much other than at some time in the near future we're going to get a train from Windsor to Quebec City.

**Mr. Stokes:** Supplementary: Is it true that the minister agrees with the recent announcement?

**Hon. Mr. Rhodes:** I can't say I do. There is nothing there really to agree with. There were three parts in it which I thought were of interest and I said so at the time. Mr. Marchand has indicated that there will be a direct control or a direction from the federal cabinet over the CTC which I think has been a long time in coming and is required. Also, the federal government has given an indication that it wants to take a more aggressive position in the provision of transportation. I think that's a good sign as well—both of those things.

**Mr. Stokes:** Including freight rates?

**Hon. Mr. Rhodes:** Yes, if it makes them adjust their freight rates I will say amen to that as well, providing the adjustment is down.

**Mr. Stokes:** We sure need that.

**Mr. Speaker:** The oral question period expired a minute ago.

Interjections by hon. members.

**Mr. Speaker:** We'll get to the member for Eglinton (Mr. Reilly) the first thing on Monday afternoon.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

#### CITY OF HAMILTON ACT

**Hon. Mr. McKeough** moves first reading of bill intituled, An Act respecting the City of Hamilton.

Motion agreed to; first reading of the bill.

**Hon. Mr. McKeough:** Mr. Speaker, this bill empowers the city of Hamilton to guaran-

tee a mortgage on a sports arena proposed for construction there. The guarantee is limited to the sum of \$200,000 per year for a period of 10 years. The giving of this guarantee to the city of Hamilton will, of course, be subject to the normal Ontario Municipal Board approval procedures.

This Act is being initiated at the request of the city of Hamilton and the measures contained in it will make possible the creation of certain recreational facilities which have been badly needed in that city for some time. I think the members are aware that this might have been dealt with at the private bills committee but could not for procedural reasons and the government undertook to introduce a bill to make this facility possible.

**Mr. Speaker:** Before the orders of the day, I should reply to the discussion of last evening.

Before the adjournment, the member for Wentworth (Mr. Deans) raised the matter of the recording of the procedure of the social development committee while considering Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

As there is no appeal from the decision of a committee to the Speaker, under ordinary circumstances I would not be in a position to consider this matter. I approached it from the standpoint that I was being asked to decide whether the House on Tuesday last gave permission to the committee to record its proceedings or directed the committee so to do.

As the member for Riverdale (Mr. Renwick) properly quoted on Tuesday evening, the report of the procedural affairs committee made on April 29, which was later adopted by the House, specifically stated: "The consent of the House must be given to have the deliberations of the committee recorded." Furthermore, what was said in the House on Tuesday shortly before the adjournment recognized this fact.

The member for Riverdale said: "It is a special interest bill and we have consented to the recording." To which I replied: "The House is giving permission, as I understand it, to record the proceedings of consideration of Bill 100."

The government House leader expressed agreement with this. Furthermore, when raising this matter last evening, the member for Wentworth acknowledged that this was the case. He stated that permission had been given to the committee in advance so that it

would not be necessary for it to return to the House to ask for this permission.

I, therefore, cannot see how this previous permission in any way removed from the committee the obligation to determine whether or not it desired such permission. The decision remains with the committee. Whether I agree or disagree with this decision is beside the point; the decision is for the committee to make, not for myself.

The member for Riverdale.

**Mr. J. A. Renwick (Riverdale):** If I may, on a point of order, accepting as I do the decision which you've made in connection with this matter, because of the ambiguity of the language which was set out in that report, I would, in whatever the proper procedure is and in view of the decision that was made, ask that the matter be referred back to the procedural affairs committee for clarification. Because it would appear from the reading of the section of the report of the procedural affairs committee that it foresaw the situation where the standing committee itself may decide that it wanted to record a bill and then it would have to come back to the House and get consent to do so.

In this event that particular procedure was not followed, and my only question is that the alternative procedure must be available. That is, that after a bill was read the second time and after it had been referred by the appropriate minister out to a standing committee of the assembly, it would then be in order for a member of the assembly to move that as such and such a bill was a bill of special interest, the standing committee be directed to record its proceedings.

It would appear to me that that is not contradictory to the present procedure which is being followed, or to your reading, but is an alternative method which I think we considered was included within the original report. Therefore, whatever the proper procedure is, and in the light of the discussion which has taken place, in the light of your ruling and in the light of the comments which I've made and perhaps others would wish to make, I would ask the matter go back again to the procedural affairs committee.

**Mr. Speaker:** I appreciate the lack of clarity in the original direction, but I had to interpret it as it is. I think the only way to deal with this properly is by a substantive motion to go back to the procedural affairs committee at a later date.

**Mr. Foulds:** Mr. Speaker, before the orders of the day, is it possible to make such a procedural motion now?

**Mr. Speaker:** If there is a substantive motion put on the notice paper with the House leader. That would have to be done, I believe.

**Mr. Foulds:** Mr. Speaker, as I understand it, this would just simply be a procedural motion, not a substantive motion.

**Mr. Speaker:** I am advised that it would require a substantive motion to appear on the order paper for debate later.

**Mrs. M. Campbell (St. George):** Mr. Speaker, I tried last night to address myself to this matter as a member of that procedural affairs committee but I was not able to do so. I want to point out that I see very little point in this going back to that committee. When we were in committee we were all disturbed about the question of reporting.

The member for Ontario (Mr. Dymond) advised the committee that it was always proper for the leader of either party to make a motion in the House and then, because we couldn't find any mechanics for that procedure, we tried to provide for reporting of those bills which are of significant public concern. That was the reason why that was brought forward in the form in which it was.

When we come to this assembly, Mr. Speaker—

**Mr. Speaker:** Order, please. With respect, I have made the ruling and the ruling is in accordance with the—

**Mrs. Campbell:** You didn't listen to the procedural affairs committee.

**Mr. Speaker:** The ruling was made in accordance with the present instructions as they appeared in our records. So I think there is no room for a debate at the present time.

**Mr. Foulds:** On a point of order.

**Mr. Speaker:** Orders of the day.

**Mr. Foulds:** No, Mr. Speaker—

**Mr. Speaker:** Is it a different point of order? If not, this matter is closed at the present time.

**Mr. Foulds:** I would ask you to seriously consider whether such a motion is a substantive motion or a procedural motion, as my understanding is that it would be simply a procedural motion governing a procedure of the House. Now, I bring to your attention the experience that we had last December—

**Mr. Speaker:** Order, please. We will take it up.

**Mr. Foulds:** I would just like to draw one precedent to your attention—

**Mr. Speaker:** I can't rule any differently at the present time.

· Orders of the day.

**Clerk of the House:** The seventh order, resuming the adjourned debate on the motion for second reading of Bill 75, An Act to reform certain Laws founded upon Marital or Family Relationships.

## FAMILY LAW REFORM ACT (concluded)

**Mr. Speaker:** The member for Windsor West, I believe, has the floor.

**Mr. E. J. Bounsall (Windsor West):** Thank you, Mr. Speaker. The minister said in his opening remarks last night that we should appreciate that this bill is part of an ongoing process with respect to advances in this particular area. Well the rate of progress that advances in this area have taken would make a snail's pace look like a rocket.

The bill was introduced last June; and while one could argue that it was introduced simply to have discussion around the province, after having been around for a year in the form of the bill of last June we have a bill which in essence changes about two words. In one year we get two words changed in a proposal and we are asked to think this is part of an ongoing process. We know then how committed this government is to the ongoing process of considering the property rights, the property divisions and the whole area of laws dealing with marital and family relationships. A couple of words in a year is about the rate at which the change is going to take place.

This bill is a barely perceptible nod in the direction of establishing some equality in matrimonial property rights and marital relationships as respects property. This is the same bill, in essence, that was introduced a year ago, even though the Attorney General (Mr. Clement) has had ample time to implement the Ontario Law Reform Commission's proposals on matrimonial property rights and marital relationships.

This is a bill which in its major point of interest for the public—and let's make no mistake about what that major point of interest is; that is, how property will be divided upon the dissolution of a marriage, that is the major point of interest to the public—in that major area, this bill takes only the smallest possible step in the direction of confronting that question or dealing with it in an equitable form. The mountain has laboured, if you like, for



over a year and brought forth a barely alive, extremely tiny mouse in this respect.

The bill does nothing to recognize that marriage is an equal partnership and that upon a breakdown of that marriage, such as occurred in the Murdoch case and in many other instances across this country and across this province, the total value of the combined assets acquired since marriage should be divided equally between the spouses. It doesn't do this at all. This is the equality that is required in a bill dealing with property division upon the dissolution of a marriage.

It fails completely to recognize that marriage is a partnership in which the husband and wife work together, and if one spouse's contribution to that joint commitment of a marriage is in running the home, rearing the children, preparing the meals and doing the washing, if that is the sole contribution of the spouse, this bill, as I see it, says that counts for nothing whatsoever in terms of a property division in the unfortunate circumstance of that marriage breakdown.

I have absolutely no objection, Mr. Speaker, to subsections 1 and 2 of section 1 of this bill in which it is set out that during the marriage, the married woman and the married man have distinct legal personalities, separate and distinct from each other, and have legal rights and capacities as if they were unmarried. There is no objection there whatsoever.

One assumes something about a marital and a family relationship, and that assumption has always been that it's a partnership and what we need in a bill in this area is to stress the equality of that partnership. This bill does nothing at all in this direction. This bill does nothing to ensure that upon the dissolution of that partnership, which should be equal even though they retain their separate legal rights and personalities during that partnership, there should be a joint division of the property which they have acquired separately during that marriage.

I had a private member's bill, Mr. Speaker, which took the viewpoint of the Ontario Law Reform Commission in this area and this was essentially their viewpoint. In this bill, the minister has dealt only with the very narrow, circumscribed case of the Murdoch situation. The wife, in this case, contributed significantly—in fact I think it could be argued almost equally—to the particular farm enterprise which provided the income for that particular marriage.

He has chosen to deal only with that situation in which one spouse has become directly involved in the financial enterprise of the

other. He has completely ignored the real marital relationships, the real family relationships, which exist during a marriage. He has said: "As long as we can prove by some accounting method that the one spouse has actually been involved in the business enterprise of the other and we count up that percentage, that's how the division of any funds will be resolved." There is nothing in this bill which recognizes that marriage is a partnership and all assets acquired separately by them during marriage should be divided equally upon the dissolution of that marriage.

In the private member's bill I introduced, Mr. Speaker, there were a lot of other clauses dealing with some of the problems which might arise in that. Somebody mentioned this time a couple which should have been included in this bill if one had had the proper principle in this bill. That is that certain things which flow separately to them—such as a gift or an inheritance—would not be considered in a division upon dissolution but the income produced or the capital appreciation of that gift or inheritance could be and should be considered upon the division.

Mr. Speaker, if, in this bill one divided equally property acquired by both spouses during the marriage at the time of dissolution of that marriage, the matrimonial home would automatically be included in that property division. The minister has chosen not to make that property division.

One might have expected to see something about the matrimonial home in the bill but, of course, we don't. There is absolutely no provision for the matrimonial home in the bill and in section 1(d) of the bill it is explicitly clear that only property taken in the names of both the husband and the wife as joint tenants, or money in the names of both on deposit in a bank, trust company or loan corporation, are considered to be held jointly. In those many instances where the matrimonial home is in the name of one spouse, section 1(d) of this bill makes it explicitly clear that it is the property of that one spouse. It has not recognized at all even the significance of the matrimonial home, if they're not going to divide all the rest of the assets acquired since marriage equally, in a bill embodying that principle. In this bill the minister has not even recognized that the value of the matrimonial home should be divided equally amongst those spouses at the time of the dissolution of that marriage.

He has done quite the reverse. He's made it explicitly clear in section 1(d) that only if it's in both their names as joint tenants would there be a joint claim on that matrimonial

home. He has done nothing to protect the one spouse whose name does not happen to appear on the joint ownership or joint tenancy of that matrimonial home.

In truth, Mr. Speaker, in the whole area of the matrimonial home, the bill could have gone and most certainly should have gone one step further as well to say that a husband or wife shall not dispose of a matrimonial home without the consent of the other, except where ordered by a court. The minister has not even put that provision in. We've still got the circumstance where, if the matrimonial home is in one person's name, that matrimonial home can be sold by that person without any consultation whatsoever with the other spouse. With the lack of that provision in the bill, it almost boggles the mind that the bill should bear the name family relationships in the title, when by not including it the bill allows that sort of action to take place in this province. The bill is very seriously lacking in that respect by not having any provision to deal with the matrimonial home or a provision that would prevent the matrimonial home being sold by the one spouse in whose name that particular matrimonial home appears.

In fact, the bill goes even further as an affront to women, Mr. Speaker. Let's not hide that fact at all. The bill further affronts women and their legal rights in this province by the section on domicile. By including section 2(2) in the bill, the minister has deliberately retained the rule that the domicile of the husband is the domicile of the marriage. He has written it in this bill so that there will be no mistake whatever in this area. One would have thought, having introduced a bill a year ago last June, and knowing for quite some months that 1975 was International Women's Year, the minister in this particular year could have some provision in the bill that does not so blatantly affront the women in this province.

If he was at all interested in equality or had one ounce of sensitivity towards the feelings of women in this province and their legitimate and reasonable yearnings to attain equal treatment before the law, that section with respect to domicile should have read something of this nature, that neither the husband nor the wife has a higher claim in establishing the domicile of the marriage and they shall decide jointly where the family home shall be, rather than leaving it completely in the hands of the husband to decide where the domicile shall be, and that wherever he happens to be that is the domicile.

It completely continues the situation where, if for basis of employment, for example, in terms of the economic factors of any other factors, the woman has to live for part of the week or semi-permanently apart from the address at which her husband is living, then she can be legitimately said to have deserted, should such a situation arise, because the domicile of that family is purely and simply the domicile of the husband. That has been traditional and the minister has established that quite clearly again in this bill. How he can bring forth a bill that contains family relationships in the title and retain such an unfair Neanderthal position, and make no attempt to deal and define that position, strains the minister's credibility with me, Mr. Speaker, in terms of him wanting to make any real advancements in this area at all, let alone the pace at which he is proceeding to take it.

The bill, in essence, takes a very narrow-minded view of property rights and property interests in this province.

The need for reform in this area was no doubt brought clearly into focus by the Murdoch case in Alberta. Most people in Canada were shocked when they were aware of the facts in that case. Even though Mrs. Murdoch had worked shoulder to shoulder in the business enterprise of that marriage—in the running of the farm business—no account was taken of the amount of labour that Mrs. Murdoch had provided. There is no question people were completely shocked by that.

If one looks at what marriage should be, what marriage is assumed to be on the basis of sharing, then the division should have been equal for all assets obtained since marriage, even if she had not worked shoulder to shoulder on that farm with her husband.

What the minister has chosen to do in this bill, as I see it, is to say it's only that very narrow situation that we are covering.

I could take as an example one of my colleagues, the member for Sandwich-Riverside (Mr. Burr), who is down in the Ministry of the Environment committee estimates today. As a school teacher for many years, if his wife had totalled some examination marks for him while he went for a coffee, that is a contribution that could be considered should that marriage break up, in terms of a contribution by her to the marriage. But if she went and got him a coffee while he continued to total the examination papers, under the provisions of this Act that couldn't be counted as a contribution that she made toward the marriage for a property division.



It's quite clear that is the situation the minister is in; and it is not nearly good enough. So, in section 1(3), subsection c, it to me is quite clear that the work or money's worth referred to in that section simply means the money or the work that the spouse contributed to the farm or business enterprise or salaried endeavour of the other spouse, and does not take into account at all any other contribution to the joint enterprise of marriage which those two spouses are engaged in.

As it is written, there will be no evaluation made whatsoever for any other work that one spouse—and we will take the wife, for example—has put out around the house so that the husband can earn his salary, can run the business—whatever kind of enterprise he might be engaged in, including a farm. There is absolutely no valuation made for the efforts of, for example, the wife. All of those efforts, all of that contribution, has been valued in this bill to be absolutely zero—absolutely zero. And that is the minister's attitude toward the contribution women in this province make toward a marriage.

Unless it can be directly tied to the business which brings in the income into the house, such as the farm or the corner store, or the engineering firm or whatever it may be, or some contribution toward the normal work for which that person earns a salary, the minister is saying all of it counts absolutely for nothing upon a division of property and assets, should that particular marriage relationship dissolve.

In section 1(3)(c) there is another area which intrigues me; quite briefly, it says:

Except as agreed between them, a husband or wife contributes work [etc.] in respect of the acquisition [etc.] of a property in which the other has had a property interest, [neither] shall . . . be disentitled to any right to compensation—

It is the use of the words "has or had" that intrigues me here, because it implies that property that had been owned, I suppose according to section 1(b), no doubt jointly, but now was sold, is to be considered in that property division. It isn't just "has;" it's property that had been owned.

If that is what the minister is intending, then surely we need a lot more clarification and amplification of that point in this particular bill. We can't accomplish the whole concept that that implies simply by adding the two words "or had" to the word "has," as it appears in this bill.

In England the legislation makes a special provision for the case where property was sold, and the courts have the right to look at the funds resulting from that sale and to consider the funds resulting from that sale in a division or to consider new properties obtained with the proceedings of the sale of other property. They spell it out rather clearly.

If it is the minister's intention that property that had been owned—and according to section 1(d), that property presumably would have had to have been owned jointly or held in joint tenancy—

**Hon. J. T. Clement** (Provincial Secretary for Justice): Pardon me. I would just like to clarify that, Mr. Speaker. That is not the criterion. Section 1(3)(c) acts independently. We'll get into it later on in the debate, but I want to make it clear that it is not at all a condition that has to be jointly owned before section 1(3)(c) is applicable.

**Mr. Bounsall:** Well, obviously we are going to have quite a discussion at the committee stage of this bill. But let's forget about whether it had to be owned jointly.

If it was the minister's intention that property that had been owned should be considered in this division, it should have been spelled out much more clearly, because section 6 of the bill repeals all sections of the Married Women's Property Act, except section 12 of that Act, which lays out the entire judicial procedure.

I am advised that the courts heretofore have always said that under section 12 of that Act they cannot deal with property that had been disposed of. This has always been their view relating to section 12 of the Married Women's Property Act, and that section which we still retain, clearly puts the decisions in this entire area under the aegis of the judicial system in this province. They have always said they cannot deal with property that has been sold under section 12.

The minister has retained that section and presumably is using the two words "or had" to try to reverse the entire feeling and the entire history of section 12, as it has been dealt with by the judiciary in this province. There needs to be, as I see it, a great deal of amplification of section 1(3)(c) as to what the minister intends to do there in order to accomplish what it appears to me he is trying to do in this bill in terms of considering property that had been owned prior to the dissolution of that marriage. I don't know how one accomplishes this.



Apart from needing it spelled out, it would seem to me that this would be an ideal situation, the ideal circumstances, for conducting training sessions of the judges—I guess the judges involved would be in the divisional court of the Supreme Court, or the judges of the county court. There should be training sessions of those judges, with respect to what the minister's intent is in this bill, with suggestions to them or discussions with them as to how the minister is going to follow through in determining moneys which have come in from the sale of property in the past and how one follows those moneys through. There should be some thorough discussions and training sessions with the judiciary on what the minister intends in this bill and how he can accomplish what he appears to be trying to accomplish by the addition of the two words "or had" in section 1(3)(c) of the bill.

This bill does do a few things, Mr. Speaker, and I suppose one could classify them as a small step forward. It allows one spouse to sue the other spouse, I gather, for physical damages should they get involved in a physical battle. I mentioned to one group of women I was addressing some time ago that, to me, this didn't seem to be a useful provision and it seemed to be another hand-out to the lawyers in the Province of Ontario.

One of those women present said she would have thought it rather useful. Some months after the marriage had broken up she had received a broken nose from her husband in a quarrel one time when he had dropped around to the house and she would have found it very useful to have been able to sue her husband for damages over that particular beating she had sustained. I suppose in some circumstances it would be welcomed by some people in this province—the right to sue the other spouse as laid out in section 3(a).

I'm not at all sure in my own mind, Mr. Speaker—and perhaps at the committee stage we can determine it from the minister—exactly what he means and how much scope is to be given in those sections of this Act dealing with children. I don't think as laid out here they deal effectively with the rights of children and as a result I'm not sure if they haven't created more problems than have been solved.

In many ways it is a very peculiar bill in that it seems to mix in so many points and at the same time fails to deal with the major point of interest, that is, an equal division of property rights between the two spouses

upon the unfortunate circumstances of a dissolution of their marriage. It requires an accounting of the spouse's contribution in actual work terms to whatever that work endeavour is. I find this not nearly good enough and it does not come close to meeting the legitimate aspirations of the women in this province. The minister could and should have done much better, particularly in the year 1975, International Women's Year.

**Mr. Speaker:** Are there any other members who wish to speak to this bill? The member for Riverdale.

**Mr. J. A. Renwick (Riverdale):** Mr. Speaker, I want to speak, I hope not unduly long, about Bill 75 from a number of viewpoints. I don't intend to deal with a number of the specific items in the bill until such time as we are in committee and I am referring, for practical purposes, to sections other than section 1. Section 1 has a number of matters which are of immense concern to me, and the format of the bill itself is of concern to me.

Let me say right at the beginning that I think we all know that when one starts to change the rules with respect to fundamental institutions of society, one creates a sense of concern amongst people. Change, by its nature, seems to cause people immense apprehension, and it may well be that those of us in a party such as the Democratic Socialist party are more aware of the concern that that causes than perhaps those who are brought up in the Liberal political tradition. But I am inclined to think those who think in Conservative political philosophy terms understand what I am saying when I make the comment that changes in fundamental rules cause uneasiness even amongst those who are, in many cases, the protagonists of the change. When they actually are faced with the change as it applies specifically to themselves and the world in which they live, it creates a sense of uneasiness and a sense of concern.

So I am not underestimating what we are starting upon in this bill; presumably the first of a series of bills dealing, so far as the jurisdiction of this assembly or its legislative authority is concerned, with the family relationships and the marital relationships. They are singularly difficult problems for the law to deal with.

All right. Having said that, let me go back if I may in some brief sense, but I think accurately and correctly, into the history of what we are talking about.

It is about 100 years ago that the Married Women's Property Act was first passed, both in Upper Canada—or the Province of Ontario, as it then was—and in the United Kingdom. I think it was in 1874, which for practical purposes is a century ago, and I think it is fair to say that there has been little change, so far as the law is concerned, in the legal relationships between men and women when they are married, with respect to their interrelationships and with respect to their relationships with their children. I don't think that anyone would question that general statement. So if we are about to embark on changes in matters which haven't been dealt with for about 100 years, I think perhaps we should do it pretty carefully and pretty systematically and pretty thoroughly, and with a clear understanding of the need to communicate with people throughout the province as to just what the effect and consequences of these changes may well be.

I think that's my basic concern about the way this bill is worded. It's a typical lawyer's bill, drafted to use the negatives for the purpose of expressing something positive, because that appears to be the way in which one delimits and limits the operation of the bill. If one is forced to state something positively, then lawyers get very frightened about it because it appears to open up too wide a field. So they resort to the negative clauses that are involved, and so we get the formal draftsmanship that we have in this bill, where the first subsection of the first section is a general statement, a proposition, and then there is a series of sections following that which are designed to sort of clarify that and make certain that it's properly understood, and limited properly, and not given too broad a sweep. All of the language of the law is involved in section 1, subsections 2, 3 and 4, because they make it extremely difficult.

I think the first point I want to make is that we are making very substantial and significant changes—we may not think we are but we are making very substantial and significant changes in language which very few people can understand. I don't know how one solves that. I think it's about time that the Ministry of the Attorney General, not only with respect to this Act but with respect to a number of other Acts, had better hire some skilled writers to put those Acts into the English language, not the drafting of the statutes because the statutes are a special form of expression of legal intentions of this Legislature and I am not talking about that, for the purpose of conveying accurately to people the nature and significance of what

we are about when we start in on the rules with respect to institutions such as the family relationships.

The second point I want to make is that if one goes back to 1874 one doesn't have to go very far behind that to 1861 when Sir Henry Maine published his classic work on ancient law. He has some very fascinating things to state about what the relationship of men and women when married was at that time, and of course with very few exceptions it has continued to be that way up until the present time and that, of course, is what we are engaged in trying to remove with this bill. I would commend to anyone who wants to try to understand what took place in the history of this particular relationship to read a few pages starting at about page 90 in the *Everyman's* edition of it.

I don't intend by any means to read all of the pages in which reference is made to this problem. But I do want to quote two or three things which were said in connection with this long and overly long period of the emancipation of women from the domination of the male side of the family, whether it be the family through the father or on the death of the father through the senior male representative and then by transference to the marriage relationship when a woman left the family and married a person and **found herself in significant subordination to him.**

The point which Sir Henry Maine makes is that in the mature part of the Roman law, at the height of the development of the Roman legal system, the Roman law assumed the equality of the sexes as a principle of their code of equity. The restrictions which they attacked were, it is to be observed, restrictions on the disposition of property, for which the assent of the woman's guardians were still formally required. Control of her person was apparently quite obsolete. During that middle period of Roman law, as I understand it, for practical purposes we find that during that period of time women, married or unmarried, whether prior to being married or after marriage as a result of death and widowhood, in any stage of a woman's life in her relationships to men, were free, independent and never subject at the best times of the Roman law to any of the limitations which were subsequently imposed upon them.

Sir Henry Maine then goes on to say that **the prime phenomenon** of modern jurisprudence was the subordination of the wife to her husband. I suppose that's exactly what we are trying to get rid of at the present time in all of its aspects. I don't know

whether or not we are going to be capable of doing this. He states, and I am not going into the preamble which led to this statement of conclusion:

The consequence was that the situation of the Roman female, whether married or unmarried, became one of great personal and proprietary independence, for the tendency of the later law I have already hinted, was to reduce the power of the guardian to a nullity while the form of marriage in fashion conferred on the husband no compensating superiority. But Christianity tended somewhat, from the very first, to narrow this remarkable liberty.

He goes on—and I skip a piece—and talks about the point in time in the Middle Ages when we had the two strains in western civilization of law, the Roman law and the law of the Germanic and Scandinavian tribes, which is the inheritance from which we happen to come. He goes on to state:

When we move onwards, and the code of the Middle Ages has been transformed by the amalgamation of the two systems, the law relating to women carries the stamp of its double origin. The principle of the Roman jurisprudence is so far triumphant that unmarried females are generally relieved from the bondage of the family; but the archaic principle of the barbarians has fixed the position of married women, and the husband has drawn to himself in his marital character the powers which had once belonged to his wife's male kindred, the only difference being that he no longer purchases his privileges.

At this point, therefore, the modern law of western Europe begins to be distinguished by one of its chief characteristics, the comparative freedom it allows to unmarried women and widows and the heavy disability it imposes on wives. It was very long before the subordination entailed on the other sex by marriage was sensibly diminished.

I skip a little bit and pick up the quotation a little bit later on.

The chapter of law relating to married women was for the most part read by the light, not of Roman but of canon law, which in no one particular departs so widely from the spirit of the secular jurisprudence as in the view it takes of the relations created by marriage. This was in part inevitable, no society which preserves any tincture of Christian institution is likely to restore to married women the personal liberty conferred on them by the middle Roman law; but the proprietary disabilities of married

females stand on quite a different basis from their personal incapacities, and it is by keeping alive and consolidating the former that the expositors of the canon law have deeply injured civilization.

Then he goes on a little bit further and picks up with relation to the English common law:

And scarcely less stringent in the proprietary incapacities it imposes is the English common law, which borrows for the greatest of its fundamental principles from the jurisprudence of the canonists.

I complete my quotation from Sir Henry Maine by skipping slightly and carrying on at a further point:

I do not know how the operation and nature of the ancient *patria potestas*, the power of the head of the family, can be brought too vividly before the mind as by reflecting on the prerogatives attached to the husband by the pure English common law, and by recalling the vigorous consistency with which the view of a complete legal subjection on the part of the wife is carried by it where it is untouched by equity or statutes through every department of rights, duties and remedies.

I think that is a very interesting and perceptive description of the law as it was in 1861, as it was varied in minor particulars in 1874, and as it has remained until the present time.

What they are really saying is that the common law subordinated in every respect the wife to the husband. It is a clear statement that that was so. The minor ameliorations made in 1874 in the United Kingdom and in our law at about the same time produced minor changes, but the subjection remained the same and has remained the same for a considerable period of time. It has been varied only to the extent that the courts, in the exercise of their equity jurisdiction, have endeavoured to relieve against the rigours and the stipulations of that relationship. It is only by reason of the statutory law that we are also trying to escape from that relationship.

What was that relationship? Let me make this point: It is so old and so barbaric that it relates to a time when status determined the position of a person. It is trite law to say one can have a contract or agreement to marry but that marriage is not a contract or an agreement. Marriage is a status imposed by the state mainly because of the influence of canon law on the common law and the nature of the feudal society from which it came.



It is a status we're talking about and we are not engaged in altering the status relationship in these bills. Someday, somewhere, that status relationship may change because the only reason for status, as between man and wife, is to indicate that one party in that status arrangement is subordinate to the other. Otherwise it has no significance or meaning.

The great advance in what the Conservative Party, the Liberal Party and we inherited as a tradition is we have moved from status to contract, to the law of contract. I wouldn't be surprised if, at some point in time, the relationship between men and women, for marriage purposes and for family relationship purposes, will be solely a matter of the law of contract. The status conception of it will have disappeared and the interest of the state in it will have disappeared.

That is not going to happen in our time so what we are talking about is a difficult conceptual problem. That is the status relationship which we're not touching in accordance with this because I don't think we have that much jurisdiction in the nature of that status relationship.

What we want to deal with are matters related to civil liability in tort and otherwise. We want to deal with certain proprietary relationships and we want to try to indicate that for contractual purposes a married woman do whatever she wants to do with herself, with her property and with her life, as any man can do, without any disabilities.

I think that's a fair statement because there is no doubt whatsoever if one reads the judgement of the judges in the Supreme Court of Canada in the Murdoch case—particularly the judgement of the single dissenting judge, the chief justice; he was striving desperately, by way of equity, to produce a fair result in the relationship between Mr. and Mrs. Murdoch. It is very interesting that of the other four judges, the judgement of Mr. Justice Martland was engaged entirely in talking, for practical purposes, about equitable principles but he couldn't bring himself to see that there was an equitable principle which was available for him to apply in the circumstances.

Perhaps I could try to complete my views about the nature of the bill which is before us because what Bora Laskin said in the Murdoch case was that it was quite likely that any effective changes could only be made by and through legislation, but that that didn't necessarily inhibit him from trying, in the absence of legislative change, to give a proper result in the Murdoch case. I am not setting Bora Laskin up in contradiction to the other judges. I am quite

certain the other judges were equally concerned about the nature of the problem they were faced with, but couldn't bring themselves to believe that there was an equitable principle which would have permitted that application in that particular case.

So what I am trying to say, Mr. Speaker, is that the bill is an extremely difficult one in some of its conceptual applications, in the way in which it is expressed and in the consequences which will flow from it. Now I regret, and I am quite certain it has been expressed before, that we are not able to deal at this point in time with the conception of the matrimonial home and that we are not dealing with that problem. Nor are we dealing with whatever changes this assembly may wish to make with respect to the ownership of the assets of the marriage relationship and the disposition of the division of them at the time of the dissolution of marriage, whatever that law may be when it is finally introduced on the basis of the other reports of the Law Reform Commission.

I am inclined to think that, while I would like to see us moving with more haste, I am prepared to accept the proposition that the decision of the government not to deal at this time with the matrimonial home situation until there has been significant clarification about the support obligations and the overall relationships with respect to the children of the family, and the family as a unit can be dealt with at one time rather than limiting it to something called just the matrimonial home.

So, realizing that those are matters which have now been set aside, I would like to speak just a little bit about the questions which are inherent in subsection (c) of section 2, and to endeavour to say what I believe the Murdoch case says and what the problems are in attempting, in a dozen lines, to put into the law of Ontario the net effect of the dissenting judgement of the chief justice of the Supreme Court of Canada in the Murdoch case.

Before I proceed to do that. I just want to quote, if I may, the extreme difficulty which is experienced by the lawyers in drafting any of these clauses, because having said everything they wanted to say in subsection 1, and having, for greater clarity, expressed in subsections 2 and 3 some other versions of the same treatment, they then found that they probably hadn't quite really said it correctly, or the way they wanted to, so they added subsection 4, and I think it's a beautiful statement of the inability to understand what we are about. It says:

The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed.

I guess that reflects what I have been trying to say about the extreme difficulty of overriding traditional views which are enshrined in the law related to this particular relationship of marriage and the family so far as the law is concerned with it. I am not at all certain that it has done it, but I suppose we are not going to know, that until some cases come before the courts and the courts have got to interpret what this assembly has tried to do in section 1 of this bill.

Turning now to the question of item (c) of subsection 1, let me say to the minister what I believe the Murdoch case was talking about and see whether or not both in these remarks, and perhaps when we get into committee on it, we can then be certain to the extent that it is possible we have said what we want to say in item (c) of subsection 3 of section 1.

First of all, we have to be clear about what was before the court in the Murdoch case. I am quoting from the judgement of the Supreme Court of Canada so we can understand what it was:

There were two sections brought by Mrs. Murdoch against her husband. The first of the actions was for judicial separation, custody of the infant son, alimony, maintenance for the child, and an order giving her the sole possession of a quarter section of land referred to as the family home.

And that's all I want to say about that part of it, because that part has nothing whatsoever to do with the bill which is before us and to the extent that it deals with the matrimonial home, that will await the future. That has nothing to do with the Murdoch case, as it became known, and as the Supreme Court of Canada had to deal with it.

The second section was an action with respect to an interest in land and in the cattle and other assets owned by the husband, on the ground that she—the wife—and the husband were equal partners and that the respondent was a trustee for her of an undivided one-half interest in those assets that had been accumulated during the marriage.

I think at this point one should make it very clear that in the Murdoch case, all of those assets were registered—to the extent of legal registration—in the name of the husband.

The Supreme Court then had only, therefore, to deal with the second question. Of course, as the Chief Justice pointed out very clearly, the trial judge in the Alberta Appellate Court made a decision on the matter and decided that there was no partnership, and for practical purposes paid no attention to the other part of the claim that the respondent was a trustee for her of such undivided one-half interest. So at the trial level the case is very clear that all the trial judge really says is they were not partners and that was the end of it. He didn't deal at all with the equitable doctrine of whether or not there was any trust arrangement involved in the ownership of those assets.

It is significant that the Court of Appeal in Alberta, when dealing with the case, didn't deal with it on the merits. So, the first and only time the matter was dealt with on the merits, apart from the claim of partnership—which was not pursued at any time because there was no partnership and it was known to be the case—was when the matter came to the Supreme Court of Canada.

The significance of the decision is that it was unfortunate that it got to the Supreme Court that way and that those judges didn't have the benefit of what might otherwise have been the case; the reasoned discussions and arguments and decisions of a court of appeal from which the issues could have been narrowed and the decision made, perhaps in a different way.

I think when it did get to the Supreme Court of Canada they endeavoured to deal with the question and the four judges who gave the majority decision appeared to try to deal with the question solely on whether or not there was a contribution in money or money's worth. They simply indicated there was no such contribution which could be so held and there was therefore no resulting trust because a resulting trust could only take place where there was a matter of financial worth; that is, it could be valued in money or money's worth.

Mr. Justice Laskin took a different view and stated very clearly that in his view there was a constructive trust, on the doctrine that if the court did not impose a constructive trust on the property involved in dispute before the court Mr. Murdoch would have been unjustly enriched at the expense of Mrs. Murdoch. That was the argument which he put forward and that was the argument which he intended to enforce.

I am going to leave that aside. That law of resulting trusts and implied trusts and constructive trusts is not what we are in the



assembly to debate. It's to try to understand what was impelling Mr. Chief Justice Laskin—he was Mr. Justice Laskin at that time—when he dealt with the problems which arose. He was trying to deal—and his judgement reflects it—with how does one quantify and give value or significance to the physical work and effort of Mrs. Murdoch in that situation as distinct from whatever financial contributions she may have made; or as distinct from any other value she may have put into the property.

The law has never had very much trouble in sorting our relationships between two people, wherever legal title is, if there is money involved or if there is money's worth in property or other items of value. The significant and important thing is the contribution which Mrs. Murdoch made by the labour which she contributed to that marriage.

Mr. Chief Justice Laskin's assessment of the case is quite clear because he states, "Central to my assessment is the uncontradicted evidence of the physical labour which the wife contributed to the spouses' well-being and evidence of what she otherwise put into the matrimonial stock. First as to the physical labour" and he goes on at great length. That's where his emphasis is. Mr. Murdoch had the benefit of the physical labour of Mrs. Murdoch in the course of their relationship which added to the productivity, added to the value of what they then exchanged and built up into a very sizeable estate.

What bothers me about item (c) of subsection 3 is that while there is a reference to work there is no indication in item (c) of subsection 3 of section 1 as to how one goes about the procedure of establishing that contribution. That's why I criticize item (c) of subsection 3, because it is expressed in the negative. It says: "Without limiting the generality of subsections 1 and 2," which are an attempt to express the general principles. Then that is further stated in subsection 4. Subsection 3 states:

Without limiting the generality of subsections 1 and 2 . . .

(c) except as agreed between them, where a husband or wife contributes work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a property in which the other has or had a property interest . . .

Then one would have thought that there would have been a positive statement, but we go into that traditional negative:

. . . the husband or wife shall not be disentitled to any right to compensation or other interest flowing from such contribution by reason only of the relationship of husband and wife or that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances.

It seems to me that that doesn't say what the minister really wants to say that, namely, where a husband and wife are engaged in a business operation or in a farming operation they are entitled to an adjudication of their respective interests in the product of that venture as joint persons and that somebody is going to have to determine the method by which one puts a value on their respective interests.

The Murdoch case doesn't deal with that because even if the dissenting judgement of Mr. Justice Laskin, as he then was, had been the majority judgement, it was for a reference back to someone else to make the adjudication and valuation and carry out the result of the decision which would have followed from it. I am inclined to think because of the nature of the history of the proprietary relationships between people and the special incidence of the proprietary relationships between husband and wife that there would not have been a very high value placed upon the physical labour aspect of the work that Mrs. Murdoch had done, had the matter had to go back for report as to what would have been the proper division.

I think what we are really saying in this bill is that when such a matter comes before the courts, a similar situation, we are in all likelihood saying to the court it has got to value for the first time something called the physical work of a spouse who makes no financial contribution. Where there is a disparity of financial contribution or contribution in money's worth, and the only other element is the physical labour of one person **as against the physical labour** of another person, one is going to get into immensely difficult problems of valuation and of division. That problem isn't dealt with in this bill. I think some better effort should have been made to deal with that aspect of it.

You have the further complicating fact that if this matter comes after the disposition of property, Mr. Speaker, there is no provision in this bill for following through on assets to make certain that the participation in the proceeds of the sale or disposition of such assets is available, or can be found or traced or earmarked or held until such time as a division is worked out as to what the respec-



tive interests may be. I am inclined to think that the minister is never going to solve the problem as between husband and wife by leaving those questions up in the air. I think he is going to have to come down to a situation that whether it is the matrimonial home—subject to the support with respect to children, leaving that aside and whatever modification of what I now say is subject to that—he is going to have to come down to the proposition that as between a husband and wife, regardless of whether they are engaged in business, regardless of whether they are engaged in farming or ranching, regardless of which of the spouses earns more or earns less, regardless of whether one of the spouses stays home for the purpose of maintaining the home and looking after the children, regardless of what those disproportions will be—because otherwise they are infinite, the possible variations are infinite—the minister is going to have to come down to the proposition that so far as the relationships related to property between husband and wife are concerned, they have got to be made a matter of contract.

Some people will say that if the government tries to spell out in the law what the relationship is, married people will of necessity resort to contract if they don't want to agree with what the law states. I am inclined to think the minister is going to have to spell out in the law what the contract is, subject to that contract being varied as between husband and wife, if they wish to choose other than what the statutory contractual relationship will be.

I think the statutory contractual relationship is going to have to be one of complete equality with respect to property. I am hoping that at some point in time we will see the bill which doesn't try to deal with just the matrimonial home but with all property, regardless of the source of it, that comes into the marriage through the efforts of the marriage, unless people agree otherwise.

I am not suggesting for a moment that the assets that a person has before marriage should be brought into the common pot, unless the parties agree that that is the way in which it should be done; but from the accounting at the inception of the marriage, from there on in, every increase in the productivity or decrease in the value of everything which is as a result of the marriage, has got to be, by law, divided equally if decisions have to be made about it during the course of the marriage and as well at the termination of the marriage.

Somehow or other that is the conception the minister is going to have to come to. He is not going to be able to say that it's community of property on death and they must contract out of it. Let me put that the other way. I think what the minister is going to have to say is: This is the contract as between married spouses and unless they alter it by contract at the time of the marriage, this is the way the division is going to be, and the division in the absence of any variation of it must be 50-50.

I think those are the principal points I want to raise about item (c) of subsection 3. I find it a most difficult clause and I am not suggesting that I know the answers to it. I would hope that perhaps during the course of the committee discussion of this bill we could get a clearer idea of what the intention of the government is when it introduced these particular 12 lines into the bill.

We, in this party, will support the bill. It has a number of good and necessary clauses in it which remove disabilities which shouldn't have been in the law as long as they have been. We will support it on second reading and look forward to discussion of it in committee.

**Mr. Speaker:** Does any other member wish to speak before the minister? The hon. minister.

**Hon. Mr. Clement:** Thank you, Mr. Speaker. The bill, of course, is styled in its short form, the Family Law Reform Act, and must be construed in that context and not in the context of a piece of legislation for women's year. It deals with the rights of spouses, it deals with the rights of children and it even deals with the rights of those who suffer injury prior to their birth.

There have been some observations offered as to why the question of domicile has been dealt with in the bill, and there has been some suggestion that this is a chauvinistic section, being section 2(2). I think it's obvious that the reason it is in the bill is to confirm certainly for the time being, that the bill in no way is intended to interfere with the law as it presently stands.

I make no apologies for this section; and I'm glad it's there. That doesn't mean that at some time it will not in fact be altered by statute, but I think we should make it perfectly clear that this bill does not disrupt what I consider to be the fairly clear conception of domicile as it pertains to a married woman. The law of domicile has a very profound effect. It affects in many instances,

particularly prior to the Divorce Act, the situs where one would obtain a valid divorce.

Those of us who had some experience prior to 1968 in the practice of law, well recall conferring on many occasions with those clients who would decide to go to Nevada or Alabama for varying degrees of time in order to obtain what they thought was a valid divorce. In some instances of course, people did resort to that sort of thing and did go to Alabama. I think it used to take about two hours. In the last case I had any involvement with, a person was able to make the flight down, get the divorce and fly back the same day. It was kind of a package deal.

On the strength of that document, a person might remarry in New York State because of the reciprocal recognition arrangements that exist between states. That marriage, of course, was no more valid in Ontario than the paper it was written on; and I can tell you that it very adversely affected the lives of a lot of people.

There was an interesting case involving a client of mine who at first blush was a defendant. I had acted for husband No. 4, and I guess I did a fair job, in his assessment and hers too, because she then came back to see me and became a client, as we eventually dissolved her first marriage which had happened some 35 years before.

There has to be some clear understanding of domicile because it does indeed affect so many things, one being inheritance. In this particular matter, her first husband, on the strength of the US divorce, found out he couldn't remarry in Canada, so he remarried in Buffalo and on the strength of that US marriage successfully, if I may use that word, effected an adoption of a then infant in Ontario.

When I brought the action for husband No. 4, it was of course an action for annulity and there was a positive declaration made by the High Court judge that the first marriage to So-and-so was still valid and subsisting. I often wondered what the effect of that would have been on that youngster, had the father predeceased the adoptive mother, being his second wife. The second wife died, and the man of course regarded himself as a widower; then we had the annulment action and eventually a subsequent divorce action brought to terminate it once and for all.

But if it hadn't happened—and he was a very wealthy man, I might add; he had vast holdings of land—if it hadn't happened that way and he died, I just wonder how that youngster would have made out if his next of kin had brought an action setting aside his will. They

are challenging his will on the basis that the person described "as my daughter Mary," perhaps was not his daughter Mary in legal terms. So I think that we will be reviewing the matters dealing with domicile in due course in this ongoing process of bringing up to date the laws that the member for Riverdale has described so aptly as being many years outdated.

The Law Reform Commission made some observations and recommendations when it issued its report on family law in 1974. It said in recommendation 1:

The legal effects of marriage on mutual rights of the spouses inter se to movable and immovable property owned by the husband and the wife, or by both of them, shall be determined by the law of the jurisdiction in which they established their first common habitual residence after the celebration of their marriage.

And that may at some future time become a recognized legal bit of phraseology. It then goes on to make six or seven other recommendations that may well become a concept, but not right now.

Our plans are to go ahead with this piece of legislation. And then, as we pointed out, it is an ongoing process. We have before us the recommendations and observations of the Law Reform Commission dealing with the supportive role of the parties to the marriage. I suppose we will, in due course, have to study matters pertaining to the rights of survivors, matters under the Dependents' Relief Act, Devolution of Estates Act, Wills Act, testamentary guardianship, illegitimate children, perhaps some matrimonial homes specifically, and the unified family court.

Now, the member for Windsor West raised some interesting commentary. As I understood his submissions, what he really was saying is that there should be a complete community of property by statute. He says that his criticism of the bill is that it does nothing to recognize that marriage is an equal partnership and the assets of the marriage should be divided equally.

That presupposes, I presume, that each contributes equally to the relationship of marriage. I just wonder if equity would prevail if, in essence, one was parasitical and the other was industrious. I wonder what the observation and the reaction in the public mind would be in that type of thing if the law compelled the industrious partner of that marriage to share unequivocally, no question about it, the results of his industry



with his partner of the marriage who had contributed absolutely nothing.

**Mrs. M. Campbell (St. George):** His or her.

**Mr. H. Worton (Wellington South):** His or her.

**Hon. Mr. Clement:** You see, it could be his or her. It doesn't necessarily—

**Mr. J. R. Breithaupt (Kitchener):** That is where the "for better or for worse" part comes in.

**Hon. Mr. Clement:** That probably is indeed where the part "for better or for worse" does come in.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** That's why he left.

**Hon. Mr. Clement:** There has to be a community interest in this. The citizens of the province, whether they like it or not, will have an interest in it. Because I can foresee the situation where let's say, a young female person inherits from her family a substantial sum or earns it, acquires a home, marries, has children—and then let's blame the husband in this situation. Let's say he refuses to work, has some kind of an alcohol problem or any one of a dozen reasons; but there is a separation and if that separation was based on law that said it's 50-50, then of course one would have to see the home sold in order to meet his lawful requirement.

I'm talking about the community of property. I'm not talking about the thing that the member for Riverdale was saying, because he made it very clear that it was assets acquired after the marriage. I'm talking about the community of property aspect where everything is put into the pot and cut in half on the breakup of the marriage. I just don't see why I, as a taxpayer, should have to support that young woman and her children as her husband flits off with half of the money derived from the matrimonial home.

One can argue the male side; it doesn't matter. I'm trying to make a point that it is over-simplifying it to say merely, "Let's just divide it" and that's the end of it, that everything will be resolved. Because it won't; it will create a lot of inequitable situations.

There have been some suggestions, not necessarily made here today, Mr. Speaker, but in meetings with different individuals who had some interest in this matter, that whatever form the legislation takes it should be retroactive and, for example, if it was

going to be a straight 50-50 division of all assets, that it should be not only for marriages celebrated after the proclamation of the Act but indeed be retroactive to cover those other marriages.

The Law Reform Commission does not support that concept, and I think there is no way that we could have that type of concept undertaken in this or subsequent legislation, for the simple reason that I would be very much concerned as to the tremendous disruptive force that might have in disturbing existing arrangements that have been very carefully worked out by spouses who are still living together, each having perhaps substantial assets on their own and finding that all of their plans and estate planning over the years have, by a stroke of this Legislature, been completely destroyed. I would have to approach that type of proposal very warily.

I hope the members don't think I'm picking on the member for Windsor West. He happens to be a person I consider to be a friend of mine. By the way, he's not present in the House; he stepped out a few moments ago. He did come up with some unusual submissions in his observations—

**Hon. Mr. Grossman:** That's why he left.

**Hon. Mr. Clement:** —and I wanted to respond to them. I noted his observation that if the property is in one name, he felt the consent of the other spouse should be obtained prior to the sale of the property. I just could not see that ever going forward. That would be a most difficult and disruptive thing in a commercial sense. I would hate to think that one would require the consent of the other party.

What happens if the one spouse is mentally incompetent? What if the public trustee doesn't sign off? What happens if one is not legally mentally incompetent but is socially incompetent in the sense that he or she has a drug or alcohol problem and will really only consent at the price of a black-mail type of arrangement? It would just interfere tremendously. What if a man in business wanted to dispose of one piece of property that happened to be in his name so that he could acquire another piece of property, perhaps in concert with a business partner, and the spouse of the first man does not consent? I think it would be extremely disruptive to many arrangements.

He drew my attention to the three words in section 1(3)(c), "has or had", about five lines from the top of paragraph (c). I think he would agree with me that—he suggested



the word "has" and, of course, we have to put the word "had" in there to protect one spouse from the other in the event that the property was disposed of even during the course of the proceedings or dispute that led to the separation or just prior to it. Surely no one should be entitled to convert a piece of real estate into cash and say "I got in under the wire and you have no recourse for the work, effort and so on which you contributed to the acquisition of that initially."

The member for Riverdale suggested we should proceed cautiously because we are going to be somewhat disruptive of those social institutions, both legal and otherwise, which have existed for a number of years. I can only echo that observation and in fact I made some express comments along the same lines at the time I introduced the bill. We must be very cautious. We cannot proceed quickly. We must look at the recommendations dealing with support because we have an obligation not to destroy but to build.

We are at the present time studying briefs and observations which we are receiving—some in the form of letters; some fairly formal so I am told—regarding the supportive study of the Ontario Law Reform Commission. We will be looking at those over the summer months, making our own judgements, suggesting policy and coming back to the House, hopefully in the autumn, with ongoing amendments to the family-rated type of legislation.

The member for Riverdale made some interesting observations dealing with the negative drafting of section 1, subsection 3, sub-sub (c) which says the husband or wife shall not be disentitled. I believe the reason for taking that type of approach to it rather than saying "shall be entitled" is that some contribution in the form of work and so on may be extremely minimal. By framing it this way, I think the onus is on he or she who alleges he or she made the contribution and/or work etc.

They have not been disentitled but I think they are going to have to demonstrate, when they eventually litigate, that they made a contribution which can be measured or is measurable and not a contribution which is a theoretical type of situation.

My friend from Windsor West is back again. He made me very worried when he gave his example of Mrs. Burr sitting down and marking the papers as opposed to going and getting the coffee. I don't know how one would measure it other than to reflect on how much of a contribution one had

made over the years. I would personally hate to think there would be the marriage ledger and as one says to one's wife, "Would you mind going out and raking the lawn?" she says, "Just as soon as I make the entry in the ledger because I want to have this all down in the event that 15 to 20 years from now, you and I decide to go our separate ways."

**Mr. Bounsall:** That is the problem the minister is creating.

**Hon. Mr. Clement:** I don't think it will ever come to that unless one entered the marriage relationship with the avowed intent of trying to get out of it in a very beneficial way. I couldn't imagine one accepting that type of evidence with too much sincerity. If one said, "Yes, we were married for 32 years. I have a ledger and the entries were made daily during the 32 years. I loved her—or him—dearly and I had no intention of us ever breaking up," I think the fact of the production of that kind of document would negative that submission. It would be a good idea; it would be a good way to do it.

**Hon. Mr. Grossman:** They'd have a conjugal ledger.

**Hon. Mr. Clement:** Perhaps we should have as a form attached to this legislation, a form 1, which would be an approved type of matrimonial work ledger. I don't know.

**Mr. Bounsall:** That is what the minister is creating.

**Hon. Mr. Grossman:** How would you figure the benefits?

**Hon. Mr. Clement:** How would you do it if you didn't have it that way? My colleague to my right makes that observation. How would you do it if you don't say that work and so on in a property is indeed a factor that can be measured? I think the court is going to have to make that decision obviously.

I think we'll find that in detailing what they have done in a marriage, people will not necessarily recall in detail each little instance over a number of years, but one surely can detail her contribution in the form of looking after a home for 15 or 20 years, raising the children, feeding them, clothing them and so on. If there were things incidental to that—outside maintenance, painting, raking yards—I think that is the sort of thing the judge would expect to hear in any such claim brought under this section.

I have really nothing further to offer at this time, Mr. Speaker. I look forward to the debate as we proceed in committee, section by section. I welcome the observations of those who have taken time to be involved in this debate and I look forward to continuing them as we move along. It is my intention that we proceed through committee of the House, of course.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand it is to be referred to committee of the whole House.

Agreed.

**Clerk of the House:** The third order, House in committee of the whole.

### FAMILY LAW REFORM ACT

House in committee on Bill 75, An Act to reform certain Laws founded upon Marital or Family Relationships.

**Mr. Chairman:** Does any member wish to speak on any clause before section 10?

**Mr. J. A. Renwick (Riverdale):** I just want to engage the minister for a few minutes on his intentions with respect to section 1(3)(c) of the bill.

On section 1:

**Mr. Chairman:** The member for Riverdale.

**Mr. Renwick:** Let me ask a very simple question. Is it the intention of section 1(3)(c) to incorporate into statute law basically the conception of the dissenting judgement of Mr. Justice Bora Laskin in the Murdoch case? If not, what is the intention?

**Hon. J. T. Clement (Provincial Secretary for Justice):** That subsection of the bill is put in there to avert the type of situation that was dealt with in the Murdoch case, so that there is a recognition in the statutes of this province that if one has made a contribution of money, money's worth, work and so on to the operation, acquisition or improvement of a property, then that is a measurable item and one is entitled, on the dissolution or the termination of the marriage relationship, to be recompensed for that contribution.

**Mr. Renwick:** I want to talk a little bit about it so that I can understand what we are doing in it. Mr. Justice Martland, in his decision, made this statement:

The present case involves a claim to an interest in three quarter sections of land

and in all the other assets of the respondent, being the husband. It is, in substance, a claim to a one-half interest in the respondent's ranching business. [He then goes on to say:] The trial judge was of the view that all the appellant, the wife, had done while living with the respondent husband was the work done by any ranch wife.

I take that to be sort of the problem as it was stated, and which the court had to deal with.

Then you come to what Mr. Justice Laskin had to say. As I stated on second reading, he referred extensively to the question of the physical labour contributed in this case by the wife. She had made a minimal or a marginal financial contribution—and that was easily assessable and easily determined. But it was almost as if, for the purposes of our discussion, we could discard that question and simply say we're talking about the physical labour aspect of the contribution of one of the spouses. Mr. Justice Laskin, dealing with the same statement of the case as Mr. Justice Martland, says:

The respondent husband admitted on discovery that his wife did the necessary chores while he was away on his other work, and his evidence in chief on this matter was as follows: "Q. Over the years, what were your wife's activities around the ranch? A. Oh, just about what the ordinary rancher's wife does. Most of them can do most anything."

[The judge goes on:] This answer appears to be the basis of the trial judge's conclusion that the wife made only a normal contribution, as wife, to the matrimonial regime—a conclusion carrying the legal signification that it gave her no foundation, upon the breakdown of the marriage, to claim an outright interest in the assets standing in her husband's name, which were accumulated during the cohabitation of the spouses.

Let me try to clarify what I'm saying. Let's assume that she hadn't made that minor financial contribution, and the only question was the physical labour, as delineated in the judgement of the court as being her contribution to the assets, all of which ended up in the husband's name. Later on, Mr. Justice Laskin says:

The position as between the parties at the time of their separation was therefore that the wife had contributed considerable physical labour to the building up of the assets claimed by the husband as his own,

and had also made a modest financial contribution to their acquisition.

I want to leave aside the question of whether or not there was a modest or no financial contribution to the acquisition.

The legal question is whether she can now claim a one-half or any interest in them, when the husband has legal title and possession and denies any arrangement for the sharing of the assets, and when the wife is unable to produce any effective writing to support a division in her favour. The legal proposition upon which the respondent husband rests is that his wife's work earned her nothing in a share of the assets in his name, when it had not been recognized by him in a way that would demand an apportionment; that is, by proof of an agreement or at least of a common intention that she should share in the acquisition. In my view, this is to state too narrowly the law that should apply to the present case.

I might interject there that I think it is fair to say that the one thing that's clear about the Murdoch case is that when they got married neither of them had anything, so we weren't involved with which assets belonged to which party prior to the marriage. We're talking entirely about what was accumulated during the course of the marriage.

The case is one where the spouses over a period of some 15 years improved their lot in life through progressively larger acquisition of ranch property, to which the wife contributed necessary labour in seeing that the ranches were productive. There is no reason to treat this contribution as any less significant than a direct financial contribution, which to a much lesser degree, she had also made. The relations of husbands and wives in such circumstances should not be allowed to rest on the mere obligation of support and shelter which arises from the fact of marriage, where the husband is able so to provide for an impecunious wife, nor on her statutory dower right under the law of Alberta. They represent a minimum and reflect the law's protection for a dependent wife. I do not regard them as exhausting a wife's claim upon the husband where she has, as here, been anything but dependent.

Then my last quotation from his judgement:

A court with equitable jurisdiction is on solid ground in translating into money's worth a contribution of labour by one spouse to the acquisition of property taken in the same name of the other, especially

when such labour is not simply house-keeping, which might be said to be merely a reflection of the marriage bond.

He goes on to make his decision on the basis of his version of a constructive trust and realizes that that is the second best to a legislative solution to the problem.

[What bothers me about this clause is that it says, "contributes work, money or money's worth." Money and money's worth have never been a court's problem. The court has been dealing with property rights in a sense of values for a long time. What it has never had to do, as far as my knowledge is concerned, is to value the labour question in a marriage relationship, and I don't see how this is going to be of any significance. As I said, and even Mr. Justice Laskin said, if his judgement had been the majority one he would have referred the matter back for somebody else to make the valuation. I don't think that is going to be possible without the courts being required to establish principles for which there is no historical precedent.]

When one gets questions of unjust enrichment where work is done and they can apply a contract, where somebody has done some work and they want to value work and materials and that kind of thing, it is a limited situation and it applies to what could otherwise have been a specific contractual relationship.

One is talking about long periods of time. I think there will be problems unless this Legislature says in a very clear and definitive way, without talking about whether it is the matrimonial home or anything else, unless it is very clear from the moment the marriage commences until it is dissolved that the relationship is a 50-50 relationship and not this minimal requirement of one spouse to support the other spouse to the extent of necessities.

People with a lot of assets can contract out, but that has always been the case. Wealthy people always make all sorts of contractual arrangements, marriage settlements. That is not what we are talking about. We are talking about the Murdochs of this world or the housekeepers of this world or the part-time workers of this world or those who stay at home to raise children and how one makes those valuations of what the contribution is in these instances.

I agree with the minister. We can't do it on a ledger basis. If people are sufficiently wealthy that they want to work out marriage settlements and work out their mutual arrangements



on a ledger basis, they can hire accountants to do that kind of thing. Everybody knows that is being done and can be done, but those people can afford it. We are talking about people who don't want to get involved in that; can't afford it in the first place and, secondly, it is difficult to quantify.

**Mr. J. E. Stokes (Thunder Bay):** Lawyers are too expensive anyway.

**Mr. Renwick:** I want to ask the minister: Why can't you say that in the absence of agreement assets accumulated during the course of the marriage are to be divided equally on the termination of the marriage; or if we can ever solve the problem of the economic partnership during the course of the marriage, work out what each is entitled to withdraw or how they are to invest any surplus funds they may have at that time?

It seems to me it would have been fascinating to know what Mrs. Murdoch would have come out with if the only thing she had gone in with was the physical labour, when the decision had to be made and the court had no capacity for making that judgement; no rules, nothing to guide it.

I think what I am saying is how is it going to be done under this provision of the bill? Are you just going to leave it to the courts? I don't think you can do it. Even Mr. Justice Laskin had to say this was an exceptional case because he was able to delineate the period of time and the nature of the physical labour and emphasize it all. Even he said if the contribution was simply housekeeping that would be an extremely difficult valuation to make.

If one of the spouses goes out and practices in one of the professions and earns \$40,000 or \$50,000 a year and because of an ancient tradition in that particular, say, upper middle class kind of life, the wife stays home and raises the children and does all of those things; and he accumulates the bank account and makes the investments and does all of those things when the marriage is terminated do you really think a court is going to say the wife's contribution to that situation was eight per cent or 12 per cent or 50 per cent? Nobody can tell what it was. How they would do it?

That is why I think you are going to have to face up to saying in that situation it is a 50-50 proposition because that is what they agreed to do. That is the arrangement which they made. They didn't put it into writing but that is how they went about their business. Then you get all sorts of other variations—the person who works part-time; the

person who stays home, does the house-keeping, raises the children and decides then to go back either to work or to take some further education, whatever it is.

All is done by way of mutual agreement as the time goes on, subject to the normal stresses of decision-making within a marriage relationship. Surely, the only way you can deal with that is 50-50 and if they want to make separate arrangements, they make separate arrangements. As I say, by and large, well-to-do people will make those arrangements and that's their problem, but for the great bulk of people there will be a clear understanding of what that relationship is.

I don't make the further logical extension that if at the time of the termination of the marriage one of the partners is disabled, for example, or there are still infant children—I'm not suggesting for a moment that the award of custody carries with it no obligations. We have agreed that is not the kind of situation we are talking about at this point.

I think you've got to come to the point in something like the Murdoch case where, say, there is a flourishing ranching business or there is another flourishing business going on; or in the other extreme case which is simply a question of one spouse earning a salary and the wife or the husband staying at home doing the housekeeping, raising the children, the family and so on; I think you are going to have to cut the Gordian knot and simply say it's 50-50. If they want to contract out of that in some way, fine. Would the minister respond to that? Isn't that the only way?

**Hon. Mr. Clement:** I don't really think so and I'll tell you why. The recovery of moneys, in the typical housekeeper case is always done on a quantum meruit basis, and it is usually quite easy to establish. I am talking about the housekeeper arrangement: "He said he would leave me half of his estate"—it's easy to determine what half the estate is—or: "He said he would pay me at my usual rate for all those overtime hours I worked in the last five years when he was ill"—and you know what the original rate was, and that's easy to establish.

**Mr. Renwick:** Those are very low by the way, those decisions; very low.

**Hon. Mr. Clement:** Yes.

**Mr. Renwick:** Yes, and if they start to use that as a precedent it would be disastrous.

**Hon. Mr. Clement:** No, no; I don't say to use that as a precedent, but I say in those type of cases they can establish the contract. It is usually easy to determine. The housekeeper says, "Half the estate." Well, we know what half the estate is and we cut it in half if she is successful in her claim. Those kinds of things are readily determined on a quantum meruit basis.

Now on this section 1(3)(c), take the situation where let's say the male comes into the marriage with \$40,000. He then uses that to acquire a matrimonial home, registers it in his own name, and he and his wife live their X number of years and then there is, for one reason or another, a termination of the marital relationship or the living together, a separation.

Again, we are on the same wavelength. We are not going to talk about the support obligations of the husband, we put that aside. The wife, who has worked in that home as a homemaker during the life of the marriage, presumably would want to bring a claim against her husband, referring to that under this section we are discussing right now.

Would it be difficult, in this situation, if the measurement of the value of that at the day of separation or the day of the trial, whatever is selected—I suppose the date of the termination of the relationship would probably be the measurement—is now worth \$60,000? The enhancement to them jointly is \$20,000, from my example. Now, one would have to look, if one was adjudicating, at what she had done in that home. Presumably if he was off making his \$40,000 or \$50,000 a year in his profession and she was home playing the traditional role of the homemaker, I think very few judges would find any rule other than that the enhancement or the increase is probably to be enjoyed equally by the two of them.

I am sure this is right. The husband isn't going to say, "Well, the minimum rate for labour back in 1968 when I got married was \$1.60, and then it went up in 1969"—he is not going to go through that, because how is he going to determine the number of hours? So, that's the one situation. A man comes into the marriage with the money and buys the home.

Now, let's say they both work, as so many do, particularly when first married, and they accumulate, for the sake of argument, the \$40,000. Say he accumulated \$30,000 of it and she accumulated \$10,000. How would it work then? If he put in three times the

amount in the initial contribution, I presume, and that came after the marriage—

**Mr. Renwick:** Yes, after the marriage. They started out with nothing.

**Hon. Mr. Clement:** This was after the marriage. They started out with nothing and then they acquired these sums, which they put into a home or some business of some kind after the marriage. I presume the approach that the court would take in that sort of thing is to say it is an asset that was derived from assets earned or acquired after the marriage. The husband having contributed three-quarters of the price of the home; she having acquired it, but it is in his name, there is no question but that she should have her \$10,000 back, there is no question about that.

**Mr. Renwick:** Oh, no question about that. The court would come to that conclusion today.

**Hon. Mr. Clement:** Yes. The judge's next question, of course, is—

**Mr. Chairman:** I must remind the minister of the hour.

**Hon. Mr. Clement:** Oh, I am sorry, I didn't realize it was so late. I was getting pretty nervous here, dividing this into quarters and three-quarters.

**Mr. Chairman:** Would the minister move the committee rise and report?

**Hon. Mr. Clement moves that the committee rise and report.**

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Mr. Speaker, on Monday we will continue with this bill in committee; proceed in committee with Bill 45; and on second readings, 106, 111, 77, 107, 95 and 96. If we get all that done, it will be a good day's work.

**Hon. Mr. Grossman moves the adjournment of the House.**

Motion agreed to.

The House adjourned at 1 o'clock, p.m.

## CONTENTS

Friday, June 20, 1975

Home buyer grant, statement by Mr. Meen .....	3195
Senior citizens' privilege passes, questions of Mrs. Birch: Mr. Breithaupt, Mr. B. Newman .....	3195
Portrayal of violence by communications industry, question of Mrs. Birch: Mr. Breithaupt .....	3196
Ontario Housing Corp., question of Mr. Irvine: Mr. Breithaupt .....	3196
Aerosol propellants, question of Mr. W. Newman: Mr. Burr .....	3196
Bicycle licensing, questions of Mr. McKeough and Mr. Rhodes: Mr. Burr .....	3197
Community service sentencing, question of Mr. Clement: Mr. Burr .....	3198
Ontario lottery, question of Mr. Clement: Mr. Sargent .....	3198
Funding of highway projects, question of Mr. Rhodes: Mr. Germa .....	3199
Krauss-Maffei system, question of Mr. Rhodes: Mr. Singer .....	3200
Dump truck operators' agreements, question of Mr. Rhodes: Mr. Young .....	3200
Home buyer grant, questions of Mr. Meen: Mr. Gaunt, Mr. Haggerty, Mr. B. Newman .....	3200
Truck load covers, question of Mr. Rhodes: Mr. Laughren .....	3201
Capital grants for transit systems, question of Mr. Rhodes: Mr. Deacon .....	3202
Mobile dental services, questions of Mr. Miller: Mr. Stokes, Mr. Breithaupt, Mr. Laughren .....	3203
Neebing-McIntyre interceptor sewer, question of Mr. W. Newman: Mr. B. Newman .....	3204
Transport for handicapped persons, question of Mr. Rhodes: Mr. Foulds .....	3204
GO Transit, question of Mr. Rhodes: Mr. Breithaupt .....	3205
Mopeds, question of Mr. Rhodes: Mr. Bounsall .....	3205
Oil and gas drilling, question of Mr. W. Newman: Mr. Sargent .....	3206
National transportation policy, question of Mr. Rhodes: Mr. Stokes .....	3206
City of Hamilton Act, Mr. McKeough, first reading .....	3206
Family Law Reform Act, Mr. Clement, second reading .....	3208
Family Law Reform Act, in committee .....	3222
Motion to adjourn, Mr. Grossman, agreed to .....	3225









# Legislature of Ontario

## Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, June 23, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 23, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. L. M. Reilly (Eglinton):** Mr. Speaker, before beginning proceedings, I know that you and other members of this Legislature would like to welcome, with me, several students from St. Clement's School. They are accompanied by Mr. and Mrs. George Mills, Mrs. Lucas, and Mrs. Farquharson.

**Mr. Speaker:** Statements by the ministry.

## ONTARIO LOTTERY

**Hon. R. Welch (Minister of Culture and Recreation):** Mr. Speaker, on Monday last, a week ago today, the hon. member for Grey-Bruce (Mr. Sargent) asked a number of general questions in connection with the Ontario Lottery; and the hon. members for Ottawa East (Mr. Roy) and Waterloo South (Mr. Good) asked by way of supplementary more specific questions. I wanted to reply to them, but out of courtesy to the House, as far as the question period is concerned and since this is a bit lengthy, we thought we would do it by way of statements prior to the question period.

I had intended to respond to those questions on Thursday, but out of courtesy to two of the members who were not in the House that day, I refrained from doing so—

**Mr. I. Deans (Wentworth):** How does the minister know they weren't in the House?

**Hon. Mr. Welch:** Instead I sent a copy of my remarks to the three members concerned and because the member for Grey-Bruce received a copy of those remarks, I was a bit disappointed that he should get up on Friday and make statements about which he had complete information, and make other remarks which were without foundation.

First of all, Mr. Speaker, our Wintario lottery is not based upon a draw from among tickets placed into a drum or into a computer. Let me be clear about that particular point, as I think it is very significant. There are no tickets to be entered into a mix. Instead, the Wintario system is based on a game where

people win available prizes if the numbers on their tickets match all or part of the numbers randomly selected.

I am told by the Ontario Lottery Corp. that tickets for each Wintario lottery are sold in groups of 90,000 tickets, each group being called a series. The tickets in each series are numbered from 10,000 to 99,999 so that the same sequence of 90,000 will be repeated in each series. Each series is numbered as well. I am assured that the number of series sold for each draw is determined only by public demand.

For instance, for the third draw which was held on June 12 there were 48 series sold to the distributors; so there would be 48 tickets bearing the winning number of 97729, one in each of those series. Only two of these tickets however, had the winning series numbers—that is 19 and 46—thereby making those tickets worth \$100,000. So, Mr. Speaker, the potential prize structure for that draw was as follows: two prizes at \$100,000; 46 prizes at \$10,000; 384 prizes at \$1,000 and 3,888 at \$100. Altogether then, there was provision made in the draw for 4,320 prizes for a total value of \$1,432,000.

Mr. Speaker, the hon. members have been asking about the prize structure and the percentages claimed so far; so I'd like to report on that as well. The prize structure of the Wintario lottery guarantees that every time a new series of tickets is offered for sale, 90 additional prizes, valued at \$26,100 and consisting of one at \$10,000, eight at \$1,000 and 81 at \$100, are added to the prize fund before the tickets go on sale. It's very important that the prizes are deposited before the tickets are offered for sale.

I'm advised by the corporation that because of this method the odds of winning a prize always remain the same; that is, a ticket buyer has one chance in 1,000 to win a prize, no matter how many series of tickets are sold. It's a straight-forward proposition. If your number comes up, you win. It's as simple as that.

**Mr. J. E. Stokes (Thunder Bay):** That sounds evident.

**Hon. Mr. Welch:** The corporation's marketing system requires that distributors and retailers pay for their tickets in advance. Any tickets that are not sold to the public can be returned to the corporation after the draw, provided these tickets are still sealed in their original envelope. Any envelope that is open obviously cannot be refunded. The corporation does not attempt to identify any returned tickets.

To give the hon. members some idea of what's been happening, I've been informed by the corporation that by noon June 20, that is last Friday, 94 per cent of all prizes have been claimed for the draw held on May 15 and almost 80 per cent of all prizes have been claimed for the May 29 draw. I might add that that figure will be a lot higher once the second \$100,000 winner comes forward to claim his prize.

For the June 12 draw, after only one week, 41 per cent of the prizes have been collected. Bearing in mind that almost three-quarters of the prizes are collected through the postal system, I think that's pretty good, Mr. Speaker.

So to date, as far as our draws are concerned, over \$2.25 million in prizes have been distributed to the people of the province.

Let me emphasize again, Mr. Speaker, once funds are dedicated to prizes, they will only be used and paid out as prizes. In other words, all the value of unclaimed or unsold winning tickets becomes available for special prizes. In no instance does the corporation, or indeed the government, benefit from prizes that remain unclaimed.

Experience in other jurisdictions indicates that after one year approximately two to three per cent of all prizes remain unclaimed for one reason or another; we have every reason to believe that our experience will be about the same. So prizes accumulating because of unsold tickets or because they are unclaimed will become the basis for a special prize account, as specified by the regulations made in the Ontario Lottery Corp. Act. This special prize account becomes available for a bonus prize for some other draw, once the claiming period of 12 months elapses.

Mr. Speaker, in terms of the question from the hon. member for Waterloo South, I am pleased to say that administrative expenses of the corporation are in line with the original projections. The hon. members will recall that at the April 2, 1975, press conference, it was estimated that prizes will amount to about 38 per cent; commission to distributors

and retailers 15 per cent and Ontario Lottery Corp. expenses seven per cent; leaving a net revenue for cultural and recreational projects of 40 per cent.

In total then, Mr. Speaker, 78 per cent of each ticket goes either in the form of prizes or to pay for cultural and recreational projects. I expect to announce shortly the method of the allocation of the Wintario net proceeds to be used for this year.

Of the other 22 per cent, seven per cent is for administrative costs to cover staff costs, advertising and printing; eight per cent is offered as commission to retailers and goes to small variety and grocery stores and the many thousands of other outlets which help to make the lottery available in every part of the province.

The remaining seven per cent presently goes to the wholesaler or distributor.

**Mr. J. E. Bullbrook (Sarnia):** There's the rub.

**Hon. Mr. Welch:** However, I am advised by the corporation that this arrangement is now under review.

**Mr. Bullbrook:** Oh, to be a distributor!

**Hon. A. Grossman (Provincial Secretary for Resources Development):** How come it was kosher with the feds? They are all Liberals.

**Hon. Mr. Welch:** Thank you, Mr. Speaker, for the opportunity of making what may appear to be a rather lengthy reply to these questions but I felt that the issues were of considerable public moment and that the House would be interested in having this information.

**Mr. Speaker:** Order, please.

**Mr. E. Sargent (Grey-Bruce):** Mr. Speaker, when do we have some dialogue on this?

**Mr. Speaker:** Order, please.

Interjections by hon. members.

**Mr. Speaker:** Order, please. Question period will commence in a few moments.

#### WIND ENERGY STUDIES

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, the hon. members may have noticed a joint advertisement of the Ontario Hydro Corp. and the Ministry of Energy in this morning's Globe and Mail. For the information of the hon. members and particularly the member for Sandwich-Riverside (Mr.



Burr), I would like to point out that the advertisement invites the submission of proposals for the study of the application of wind generators for local power supply in Ontario.

**Mr. S. Lewis** (Scarborough West): Wind energy! It finally came around.

**Mr. J. F. Foulds** (Port Arthur): They finally came into the 20th century.

**Hon. Mr. Grossman**: Windmills of the 20th century!

**Mr. Lewis**: A windmill for every home.

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): The NDP will probably set us back that far.

**Hon. Mr. Timbrell**: The government has expressed its concern about the lack of basic amenities in small communities in the remote north of this province. As a result of this concern, two programmes involving the supply of electrical power to such communities already have been undertaken. As the hon. members know, these programmes are community electrification to support remote northern Ontario telecommunications and the electrification of northern communities programmes.

Needless to say, the government is interested in increasing even further the availability of electrical power to communities in the north. However, Mr. Speaker, as the hon. members can appreciate, there are difficulties in the supply of power to remote communities; such difficulties as transportation and access problems and high capital costs, among others. Wind energy offers the potential for energy production on a local scale with minimal environmental impact and freedom from the price escalation of fossil fuels.

**Mr. Stokes**: Try Armstrong and Fort Severn as a pilot project.

**Hon. Mr. Timbrell**: Technically, it should be possible to supply remote northern communities with medium capacity wind generator systems. To this end, Ontario Hydro and the Ministry of Energy are advertising for proposals to undertake the feasibility study I have mentioned. This study will provide: An opportunity to define how wind energy might apply to Ontario; an assessment of the potential of medium capacity wind generators for the supply of sufficient electrical power for telecommunications and possibly community uses in communities far removed from the power grid; an evaluation of the performance of wind generators and wind generator

systems; a comparison of wind generation with alternative means of power supply; and an opportunity to demonstrate how load growth for other community uses can be accommodated. A demonstration project may be undertaken in 1976, if the results of this study warrant such a field test.

**Mr. Speaker**, I would like to mention that the consultants who will conduct the study will be selected by a committee comprised of members of Ontario Hydro, the Ministry of Energy, the National Research Council and the Federal Atmospheric Environment Service.

**Mr. Lewis**: How about the member for Sandwich-Riverside? Surely the minister will put him on the committee. Surely the minister will give him some special position.

**Mr. Speaker**: Order, please. Oral questions; the hon. Leader of the Opposition.

#### NANTICOKE PLANNING BOARD

**Mr. R. F. Nixon** (Leader of the Opposition): I would like to direct a question to the Minister without Portfolio from Brantford. Has the resolution from the city of Nanticoke come to his attention, with his special responsibilities for dealing with municipalities, asking the government to reconsider its decision on the make-up of the special planning group that is thinking about and planning for the development of a new city, I'm speaking of the proposed city of Nanticoke, within the city in the Haldimand-Norfolk region? Is the minister aware that at the present time that planning group is chaired by a Conservative member from Toronto and that there are not sufficient representatives from the elected council of Nanticoke itself, in their view? Will the minister recommend to his colleagues a change in this policy so that for the planning of the proposed new city there will be a higher ingredient, or a stronger concentration let us say, of local views in the original planning development?

**Hon. R. B. Beckett** (Minister without Portfolio): Mr. Speaker, I am aware of that letter. It was addressed to the Treasurer (Mr. McKeough) in his capacity as Treasurer and it is before the ministry now.

**Mr. R. F. Nixon**: Supplementary: Would the minister indicate, if he has a view he can indicate to the House, that would emphasize local planning rather than the imposition of centralized planning, which at least appears to be the present policy and concept;

in view of the fact that the planning group is chaired by a member from Toronto and so on?

**Hon. Mr. Beckett:** Mr. Speaker, I am sure all these matters will be taken into consideration.

**Mr. Lewis:** Oh he will make out all right; he will handle the portfolio all right. He has certainly picked up his mentor's style.

**Mr. J. R. Breithaupt (Kitchener):** He hasn't used "the fullness of time" yet, but there is hope.

**Mr. Bullbrook:** Well ask him and see if he does.

**Mr. R. F. Nixon:** Well we may as well give him the opportunity; when will this be accomplished?

**Mr. Bullbrook:** Come on. Go ahead, go ahead.

**Hon. Mr. Beckett:** In the fullness of time, Mr. Speaker; in the fullness of time.

**Mr. R. F. Nixon:** Now we've got all those over with, all the old clichés are out in the open—

**Mr. M. Gaunt (Huron-Bruce):** Move into the Premier's seat.

**Mr. D. C. MacDonald (York South):** What a burst of imagination.

## MERCURY POLLUTION

**Mr. R. F. Nixon:** I would like to ask the Minister of the Environment if he could report to the House the information dealing with the mercury pollution levels and concentrations remaining in the St. Clair system; and particularly in the west end of Lake Erie, since the commercial fishermen have indicated that they have attempted to get this information and it is evidently not publicly available.

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, all of the information we have on the testing—and we're going ahead on a continuous basis, with our testing in both the English-Wabigoon Rivers system and the St. Clair River system—all this testing we're doing is public information. We have released everything we have to date, to my knowledge, unless it is the latest test that is still being done.

**Mr. R. F. Nixon:** Supplementary: I think they are concerned about the resumption of

commercial fishing in the area, and I understand there is at least another aspect to that issue, beyond just the presence of mercury as a pollutant in the waters and in the fish that would be caught. What is the government policy with regard to that? Is there a level below which fishing will be allowed to be resumed or in fact, is there going to be a special decision on that?

**Hon. W. Newman:** Mr. Speaker, at this present moment in time, the figure that we're working on is 0.5 parts per million mercury in the fish.

**Mr. R. F. Nixon:** Are we close to that? When are they going to start fishing down there? Does the minister have any further information?

**Hon. W. Newman:** Mr. Speaker, as far as commercial fishing is concerned, the member would have to ask my colleague, the Minister of Natural Resources (Mr. Bernier); but the present standard for a safe mercury level in fish is 0.5 parts per million. As we know, the age and size of the fish has some varying effect on the levels, and the levels, on the overall average in the last test that we had, are still unsatisfactory.

## PICKERING AIRPORT

**Mr. R. F. Nixon:** I would like to direct a question to the Minister of Transportation and Communications. Is there any further information he can give to the House on the government's policy toward the development of the Pickering Airport? Have the communications with the government of Canada come to him as well as to the Premier (Mr. Davis), so that the House might be appraised of any change in the stated policy of the government of Canada which would affect the decisions taken by this government, particularly by the Minister of Transportation and Communications in giving access to the facility when and if it is built?

**Hon. Mr. Rhodes:** Mr. Speaker, the correspondence was addressed to and mailed to the Premier. I have had brief conversations with the Premier on the matter and I'll be having more. I do have a general idea of the contents of the letter, and I think the Premier said last week that he would be reporting back to the House as to the contents of the letter and what our analysis of it is. I have nothing more that I can add at this time.

**Mr. R. F. Nixon:** If I might ask a supplementary: Based on the decisions announced



by the Treasurer—in his former incarnation as Treasurer—that we as a province favoured that location, were there not commitments made at the time to service the airport as it was originally conceived? That is, had there not been a contractual commitment made by the province to provide those facilities that will obviously be of a provincial nature in this connection?

**Hon. Mr. Rhodes:** Mr. Speaker, there are no contractual arrangements that I know of that have been made to supply services. I do know that, should the project go ahead as it was originally planned, then of course we would be entering into discussions with the federal government in order to see what cost sharing may be involved on the facilities that will be going in. There are some provincial facilities that would have been installed in that particular area anyway over a period of time, as it relates to my ministry. The coming on the scene of the Pickering Airport, of course, conceivably will move the time frame of these facilities up considerably. We would like to discuss cost-sharing with the federal government, but we'll have to wait until we get a final look at the total contents of Mr. Marchand's letter.

**Mr. R. F. Nixon:** The minister hasn't read the letter yet?

**Hon. Mr. Rhodes:** I have read the letter, yes, but I'm having discussions at the present time with the Premier and others on its contents.

**Mr. R. F. Nixon:** Supplementary: We have raised this matter before, but since this is a matter of public concern and we represent the public here, would it not be the minister's view that we should be made aware of the contents of the letter so that if a decision is made within the next few days it can be discussed in this House; or if a decision is postponed until we might not be in session, we would at least have the information, along with other citizens of Ontario and the residents of the area, so that we would know the background to any change in government policy.

**Mr. Sargent:** Supplementary, Mr. Speaker.

**Hon. Mr. Rhodes:** Does the member want to have a supplementary before I give him the answer?

**Mr. Sargent:** I didn't think the minister had an answer for the last one.

**Hon. Mr. Rhodes:** Mr. Speaker, the Premier has stated that the contents of the letter

would be made public and he intends to do so. I don't feel that I have the authority to release the contents of a letter addressed to the Premier from Mr. Marchand.

**Mr. Speaker:** The member for Grey-Bruce.

**Mr. Sargent:** Supplementary: If this letter from Mr. Marchand is a position point, and if the minister knows about it, the Premier knows about it and some civil servants know about it, why isn't the Legislature entitled to know that too?

**Hon. Mr. Rhodes:** Mr. Speaker, I can only repeat that I do not have the authority to release the contents of a letter that has not been addressed to me. I am sure the hon. member might have some sort of contact with Mr. Marchand; perhaps he could send him his own private letter.

**Mr. Speaker:** Any further questions?

**Mr. Sargent:** Why doesn't the minister grow up?

**Hon. Mr. Rhodes:** That's a good question for the member.

**Mr. Speaker:** Any further questions; the Leader of the Opposition?

#### BRADLEY-GEORGETOWN TRANSMISSION CORRIDOR

**Mr. R. F. Nixon:** I have a question I'd like to put to the Minister of Energy.

What was the disposition of the continuing, perhaps misunderstanding, between the minister and the group of concerned citizens who want a public, independent hearing on the route of the Bradley-Georgetown power corridor? Since there has been reference of that matter to the environmental hearing group, would the minister not think that, in order to satisfy these concerned citizens, it should go to an independent group so that there is some thought that these citizens are going to have a public situation where they can express their objections?

**Hon. Mr. Timbrell:** Mr. Speaker, I would argue, and I hope the Leader of the Opposition isn't saying otherwise, that the Environmental Hearing Board is an independent body that will report and has all the leeway at its disposal to study the situation. Following my statement in the Legislature—the exact date escapes me; I think it was on the 6th, —on the evening before the cabinet meeting in Kitchener, did meet with about 30, 35 or



40 people, I guess, to explain the statement and how I had arrived at it. But to answer the question of the leader of the Opposition, I'd say the Environmental Hearing Board is independent.

**Mr. R. F. Nixon:** Supplementary: Has the minister responded to the telegram which he received and which was sent to a number of other members of the House concerned? What was the nature of his response?

**Hon. Mr. Timbrell:** I sent a letter by cab, as a matter of fact on Friday, to the chairman of the committee—

**Mr. R. F. Nixon:** That was Mr. Mann.

**Hon. Mr. Timbrell:** That's right—responding not only to that telegram but to one or two letters as well, tying it all together.

**Mr. Speaker:** Supplementary. The member for Sarnia.

**Mr. Bullbrook:** I prefer to yield to my colleague.

**Mr. Speaker:** All right. The member for Huron-Bruce.

**Mr. Gaunt:** Supplementary, Mr. Speaker: What is the purpose of the Environmental Hearing Board's setting up information centres with respect to this particular part of the line, particularly when the hearing is going to commence within the next two weeks?

**Hon. Mr. Timbrell:** Mr. Speaker, I haven't spoken with the chairman of the board, Mr. Caverly, and I don't tell them how to conduct their hearings or their process, but I would assume that the purpose is to make as many people as possible in the area aware of the fact that the hearing has been called and to explain to them what it is going to deal with.

**Mr. Speaker:** Supplementary. The member for Sarnia.

**Mr. Bullbrook:** By way of supplementary, since the minister regards the Environmental Hearing Board as such an objective tribunal, would he consider giving them the ultimate objectivity of making the decision?

**Hon. Mr. Timbrell:** Mr. Speaker, this government has never supported it, and I am sorry to hear that the member's party does support the notion that the final decision-making power should be anywhere but in the hands of elected people.

**Mr. Bullbrook:** By way of one final supplementary, to clear up the question. This is a

question period, not a statement of opposition policy. May I ask, therefore—

**Hon. Mr. Rhodes:** What is the difference?

**An hon. member:** The Liberals don't have any policy to announce.

**Mr. Speaker:** Order, please.

**Mr. Bullbrook:** Can we assume that the objectivity upon which the minister relied in response to the first question is one only of appearance and not of reality?

Interjections by hon. members.

**Hon. Mr. Timbrell:** I am not sure I entirely understand the question. I certainly appreciate the member's comments. If this were anything but a question period, and instead a period for the statement of Liberal policies, it would be very short indeed and we wouldn't have to have too many in a year.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** Let me just reiterate that I have great faith in the board that it will conduct the fullest possible hearings to consider this situation and will give to me a complete and impartial judgement.

**Mr. E. R. Good (Waterloo North):** Recommendation.

**Mr. Speaker:** The member for Scarborough West.

## ENERGY PRICES

**Mr. Lewis:** To the Minister of Energy: Is he gradually coming around to the conclusion that there is likely to be an oil price increase announced by Ottawa some time today? Despite the minister's unwillingness to recognize the obvious, has he been informed in advance of what that increase is going to be?

**Hon. Mr. Timbrell:** Mr. Speaker, I believe the Prime Minister of Canada will have something to say at 5 o'clock today. I have not been given the details of what it is he intends to say. Once he has made that statement the government will give its reaction tomorrow.

**Mr. Lewis:** Right, I understand that. Before the Prime Minister makes the statement, can the minister indicate to us his intention in advance to make sure that all the oil companies operating in the Province of Ontario are required by law to exhaust their inventories before any increase is allowed for the

citizens of this province, since the oil companies have themselves this weekend admitted inventories ranging from 45 to 90 days—and that's just what they have admitted?

**Hon. Mr. Timbrell:** Mr. Speaker, this is a situation that we are actively pursuing. If the government of Canada, much against the advice and wishes of the government of this province—

**Mr. Lewis:** If; if it does.

**Hon. Mr. Timbrell:** —and the provinces of Nova Scotia, Manitoba and New Brunswick, carries out this folly then we will—

**Mr. Bullbrook:** Call it Loughheed's folly; how's that?

**Hon. Mr. Timbrell:** —we will insist on immediate consultation with the government of Canada to make sure that in fact happens.

**Mr. Speaker:** The member for York South.

**Mr. MacDonald:** A supplementary, Mr. Speaker: Is the minister pursuing it as actively as he did last year when he did nothing and they walked away with the increase on the inventory?

**Hon. Mr. Timbrell:** Mr. Speaker, I don't accept that in fact.

**Mr. Lewis:** They walked away with the inventory profit.

**Mr. MacDonald:** This government didn't do anything.

**Hon. Mr. Timbrell:** There is no evidence to support that charge.

**Mr. M. Cassidy (Ottawa Centre):** There certainly is.

**Mr. MacDonald:** The oil companies confirmed that they did.

**Hon. Mr. Timbrell:** All I would say is that we, in the Ministry of Energy and I as the Minister of Energy, are—

**Mr. Stokes:** Obviously the minister didn't buy any gasoline.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** We are actively pursuing a number of options that will be available to us if they carry out this folly.

**Mr. MacDonald:** A supplementary question: Is the minister denying that last year the companies raised or charged the extra price on the inventory and took it as an extra profit? Is he denying that?

**Hon. Mr. Timbrell:** Mr. Speaker, I wasn't minister at the time, but as I recall—

**Mr. Stokes:** What was he doing, riding a bike?

**Hon. F. S. Miller (Minister of Health):** He did that well.

**Mr. Deans:** He is not strong enough to ride a bike.

**Mr. Lewis:** I heard about his bike-riding episode for Harry Brown. If I were minister I would walk.

**Mr. Deans:** Slowly.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** I didn't know the member heard of my prowess. Walking is safer; walking is much safer for me.

As I recall, the federal government imposed a 45-day adjustment period or whatever one wants to call it.

**Mr. Lewis:** They had 95 days' inventory.

**Hon. Mr. Timbrell:** Given the nature of the oil system, from wellhead to pipeline and so forth, to Sarnia and other points in the east, we have to rely on Ottawa. That's what I am saying—as soon as we know exactly what they intend to do, and maybe between now and 5 o'clock they will confirm that they are going to accept our arguments and leave things as they are and should be—

**Mr. Lewis:** Oh, yes. Oh, I know; sure.

**Mr. MacDonald:** They conned the minister last year, I hope they are not going to con him again.

**Mr. Cassidy:** The industry wins again.

**Hon. Mr. Timbrell:** But if, by chance, the government of Canada chooses not to exercise its proper responsibilities to this province and the other consuming parts of the country, then we will press it on that very point.

**Mr. Speaker:** Any further questions?

**Mr. Lewis:** On that very point—by way of helping the minister to press it, since the increases are allegedly going to be \$1.50 a barrel without the inventory days set out as yet—will the minister take into account that if it allows 30 days of inventory, that will mean a \$53-million profit for the oil companies over and above their other entitlements; if it allows 45 days, it will mean \$42 million from the Province of Ontario; and if

it allows 60 days of inventory, it will mean \$32 million additional to which they are not entitled; given the 107 days of inventory they have on hand? Can he undertake now in advance to dig his heels in on this point at least, since he has lost on all the other points?

**Hon. Mr. Timbrell:** Mr. Speaker, I am not at all prepared to accept—I don't think anybody in this House should—the notion that we have lost. A: There is time; and B, originally they were talking about \$2.50 or \$3 a barrel, and if they come in below that—

**Mr. Lewis:** A dollar and a half is a victory?

**Hon. Mr. Timbrell:** If they come in below that—

**Mr. Lewis:** That's six cents a gallon in Ontario.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** —I think that would be in no small part due to the pressure applied by the Province of Ontario, although we still hope—

**Mr. Lewis:** Everyone will thank him.

**Mr. Breithaupt:** They are really afraid of the minister.

**Mr. Lewis:** That is called snatching defeat from the jaws of victory.

**Hon. Mr. Timbrell:** Absolutely right; absolutely right.

Interjection by an hon. member.

**Mr. Speaker:** Order please; order.

**Hon. Mr. Timbrell:** That's right. I have forgotten the member's question; what was it?

**Mr. Lewis:** I just want him not to let them have profits on the inventory as well.

**Hon. Mr. Timbrell:** Mr. Speaker, as I have already indicated—and I don't know where the hon. member gets his figures—we are working on it—

**Mr. Lewis:** They were corroborated.

**Hon. Mr. Timbrell:** —trying to get those figures up to date as to inventories and possible ramifications.

**Mr. MacDonald:** Our research department worked them out last week. When is the minister going to do it?

**Hon. Mr. Timbrell:** The NDP researchers have nothing else to do.

**Mr. Foulds:** How many ministries is the minister responsible for? Our researchers have to cover over 26. And they're still ahead of the minister.

Interjection by an hon. member.

**Hon. Mr. Timbrell:** The point is, and I reiterate, if they go ahead with this, we will actively pursue that very point.

**Mr. Lewis:** Thank you, that will be a refreshing change from last year. We lost over \$62 million last year.

**Mr. Speaker:** Any further questions?

### AUTO INSURANCE RATES

**Mr. Lewis:** A question of the Minister of Consumer and Commercial Relations: Does the minister know the automobile insurance companies have started sending out their little green cards, indicating a 15 per cent increase in the insurance rates effective in this next year? Can he indicate to the House what was the result of that review which the superintendent of insurance was undertaking, about which he spoke some few weeks ago?

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): First of all, Mr. Speaker, my answer to the first part of the question is I didn't know they were sending out their rate increases. I had expected to receive mine before now but I haven't. My anniversary date is in July and I expected to have that by this time.

The result of those discussions, I think, will indicate that we have managed to maintain a competitive differential, between the low rates and the high rates in this province, of approximately 40 per cent; so there is a wide range of choice for people shopping for insurance.

**Mr. Speaker:** The member for Thunder Bay.

**Mr. Stokes:** A supplementary: Will the minister investigate why recent increases of 30 to 40 per cent have already been applied to new underwritings in northern Ontario?

**Hon. Mr. Handleman:** Mr. Speaker, I think the reasons for those are pretty self-evident. The costs of repair in northern Ontario have sky-rocketed, for a variety of reasons which we discussed during estimates. I am sure the member is as familiar with those factors as I am.

**Mr. Lewis:** By way of supplementary: Is it possible for the minister to table some of this



information in order to demonstrate to the House why the superintendent of insurance passed these increases on or allowed them to be passed on, which simply maintain the differential which already existed? On what grounds were the submissions of the automobile insurance companies approved? Can the minister now tell that to the Legislature?

**Hon. Mr. Handleman:** Mr. Speaker, it is not a question of them being approved. It is a question of them being negotiated with us.

**Mr. Lewis:** Negotiated?

**Hon. Mr. Handleman:** They submitted certain information in confidence and there are certain rates which are—I assume from what the leader of the New Democratic Party is saying there are certain announcements to be made by the insurance companies very shortly, or they are in the process of making them. I haven't seen those yet and I don't want to comment on them until I have seen them.

**Mr. Stokes:** A supplementary: Has the minister taken the trouble to find out whether the cost of repairs is so much greater in northwestern Ontario than it is in Manitoba where they enjoy much lower rates?

**Hon. Mr. Handleman:** Mr. Speaker, I think we could spend all afternoon discussing comparison of rates in Manitoba and Ontario; I don't believe the House would want me to go into that kind of detail at this time. There was ample opportunity in the estimates to discuss this.

**Mr. Stokes:** Has the minister gone into it?

**Hon. Mr. Handleman:** It was admitted during estimates there is a deep difference in philosophy between the party opposite and our party on the question of insurance rates and the management of the insurance plan.

**Mr. MacDonald:** Philosophy doesn't alter the cost of repairs.

**Hon. Mr. Handleman:** I certainly don't want to sit here and say for one minute that the rates in Manitoba are lower than those obtainable in Ontario; I won't admit that at all.

**Mr. Speaker:** The member for Yorkview with a supplementary.

**Mr. F. Young (Yorkview):** Mr. Speaker, a supplementary. Has the minister come to any conclusions regarding the matter I raised in the estimates in respect to repair parts—that

the cost of crash parts of automobiles has been raised by one-third over the past year, while the number of accidents and therefore the number of claims have decreased because of safer bumpers and safer cars? In other words, has the ministry determined whether or not the motor car companies are, in effect, creaming off the gain which should be coming to the insurance companies and to the consumers?

**Hon. Mr. Handleman:** Mr. Speaker, we thought it was a very interesting point that the hon. member raised during the estimates, and we certainly are pursuing it. As a matter of fact, I have asked some of the insurance companies in Canada if they're aware of the position taken by their counterparts in the United States during the hearings that the hon. member referred to. Apparently these people I spoke to were not aware of it, but were going to go back to their head offices to determine whether or not they have taken a position. We are looking into it ourselves and we think it's a very interesting point to pursue.

**Mr. Foulds:** Supplementary, Mr. Speaker.

**Mr. Speaker:** A final supplementary.

**Mr. Foulds:** Thank you, Mr. Speaker. Is the minister in a position to confirm or deny that in northwestern Ontario all replacement parts on automobiles are sold at the retail level, rather than at the wholesale level, to garages, mechanics and so on, who work independently of the main automobile dealers in Thunder Bay? If that is so, can the minister investigate that as a possible price-fixing monopoly?

**Hon. Mr. Handleman:** Mr. Speaker, first of all, I think the hon. member is quite aware of the fact that combines legislation is federal. I'm not aware of whether or not that is being done. It would seem to me that charging a wholesaler, in this case a car repair shop, the list price for a part might possibly be an unfair trade practice that we'd be prepared to look into if there's any evidence brought to us. But as far as price fixing is concerned, of course, we have no authority in that field.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** I want to ask a related question for purposes of clarification; I put it as a new question, Mr. Speaker. Is the minister saying that the superintendent of insurance negotiated certain changes with the automobile insurance companies, but did not anticipate an increase in rates? Is that what the minister is saying?

**Hon. Mr. Handleman:** Mr. Speaker, I suppose it would depend on how the hon. member defines the word negotiations.

We're not talking about collective bargaining, we're talking about discussions in which information is brought to us. Certain responses are made by people in our ministry, including the superintendent, and as a result of those discussions a rate is established. I consider that to be negotiation, in which we point out certain factors and they point out certain factors. But there is no question here about our either approving or disapproving rate proposals put to us.

**Mr. Lewis:** Some additional information: Is that kind of information brought to the minister? Does he participate ultimately in the rate-setting process?

I'm confused about why it is that an arm of government—the superintendent of insurance, acting on behalf of government in the public interest—cannot have its activities scrutinized by this Legislature. I don't understand why the minister cannot make a statement about the way in which the rates were arrived at, and which components were discussed and altered.

**Hon. Mr. Handleman:** Mr. Speaker, first of all, no, I do not personally involve myself in the discussions. We do set forth for the superintendent the question of government policy and philosophy, and he operates within the guidelines that we lay down for him.

**Mr. Stokes:** That is, all the traffic will bear.

**Mr. Speaker:** Further questions from the member for Scarborough West?

### BASKET PRODUCTION

**Mr. Lewis:** One question of the Ministry of Industry and Tourism, if I may: Is the minister aware of the anxiety focused in the southwestern Ontario area generally about the federal grant to the Rapp company in the Renfrew-Pembroke federal grant region, \$182,000 I think it was, for the production of baskets; and a little company in Forest, Ont., called the Forest Basket Co., having reduced its employment from 120 to 20 people as a result of the collapse in the basket market? Is there any intervention being made on the part of the minister to correct this apparent anomaly of so much money going to an American-based company while a little Canadian company goes out of production?

**Hon. C. Bennett** (Minister of Industry and Tourism): Mr. Speaker, I am not aware of it, but I'd be prepared to look into the situation and find out exactly what is developing. Some of the financial programmes have caused some of the private sector some trouble because they have run into a direct conflict of interest in their programmes. We will take this under advisement.

**Mr. Lewis:** Could the minister do that? I would appreciate it.

No further questions, Mr. Speaker.

**Mr. Speaker:** The member for Waterloo North.

### COURT CASELOADS

**Mr. Good:** Thank you, Mr. Speaker. A question of the Attorney General: Is the Attorney General prepared to do something about the discrepancies in the fact that his own area, the Niagara region, has six judges who had a total of 74,000 cases last year, and Waterloo region has only four judges with the same number of cases to look after?

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Speaker, I would appreciate clarification as to the number of cases the member is talking about. Is he talking about family court cases, criminal or both?

**Mr. Good:** These figures are for the criminal division only.

**Hon. Mr. Clement:** Mr. Speaker, I am aware that in the criminal process in the Kitchener area, as in one or two other areas, last year there was what would appear to be a tremendous demand for additional staff. We are looking at it. It isn't the only part of the province that finds itself in this difficulty. There are other parts of the province that find themselves with a tremendous backlog of family court cases. It is an ongoing thing. It isn't carved in stone that only that number of judges shall ever sit there.

I point out to the hon. member that this is one of the types of situations that the legislation that went through this very House some four weeks ago in the central west pilot project is hoping to resolve at this particular level—that is, at the provincial level—by having a certain portability of judges and/or resource people to assist the judges to move into an area on a temporary basis to assist where there is a certain upsurge of one type of case in a particular area. Kitchener, of course, is within the pilot project area.



**Mr. Good:** A supplementary: Is the minister concerned about the discrepancies in all the areas across the province? For instance, Middlesex county has 10 courtroom facilities, which is double the number of facilities in the Waterloo region, and they are handling only about one-fifth more cases. Has the minister looked at the caseloads across the province to see if there can't be better facilities and the proper number of judges assigned to the various areas where the caseloads are heavier?

**Hon. Mr. Clement:** Mr. Speaker, perhaps I am not making myself clear. One can always appoint more judges if one has unlimited resources. One can always build more courtrooms and hire more staff, but that isn't really the answer to the problem in our assessment. The answer to the problem is to utilize to the maximum the resources which we have, taking into mind the talents of the particular people we require to assist the courts as well as the availability of judges.

As for some of the interesting preliminary figures that have come to our attention indicating courtroom use in the pilot project area, in one instance we find that a courtroom is being utilized, for example, 91 per cent of the available time—that is, during regular courtroom hours; I am not talking about 24 hours a day—where in an adjacent area it might be as low as 38 per cent. So the idea of the project is to ascertain this and utilize adjacent or adjoining premises and adjacent or adjoining staffs and members of the bench, particularly in the family court and criminal court matters. It may well be that we don't have to hire X judges and construct Y additional courtrooms. We may be able to do it with smaller numbers both in persons and in dollars. This will have to await the outcome of the project study.

**Mr. Speaker:** The member for Wentworth.

## STUDENT SUMMER EMPLOYMENT

**Mr. Deans:** Mr. Speaker, I have a question of the Treasurer. Is the Treasurer aware that there are not nearly enough jobs in the Hamilton-Wentworth area to fill the need, both in terms of the long-term needs of the unemployed and the short-term needs of students coming into the work force looking for employment this summer? What kind of programme does the minister have in force and currently working that will produce any number of jobs in the Hamilton-Wentworth area?

**Hon. W. D. McKeough** (Treasurer, Minister of Intergovernmental Affairs): Mr. Speaker, I am not aware that the situation is any more critical in Hamilton-Wentworth than it is elsewhere in the province. As a matter of fact, my own observation would be that it may be somewhat better in Hamilton-Wentworth inasmuch as the steel companies have not as yet felt the slowdown which some other parts of the economy have.

The number of summer jobs that can be provided by the government has been provided. As I recall, there are something like 12,000 jobs, up slightly from last year. This is a manageable number. There is no sense in the government's taking on summer students unless they are going to be properly supervised and unless they are going to have a meaningful job to do.

I have forgotten the total figure, but I think there are going to be many thousands of students who aren't going to get the kind of employment that they would like this summer.

**Mr. Deans:** A supplementary question: Given that the minister is right that it is probably no worse in the Hamilton-Wentworth area than it is anywhere else, what kind of programmes are now going to be in effect to ensure that those students can continue in school in the fall, if and when they get through this summer without any employment opportunities?

**Hon. Mr. McKeough:** Mr. Speaker, if we are talking about the last figure that I saw, other than agricultural employment, it is something like 70,000 students who will not be fully employed this summer. I suggest that there's very little we can do about that number. I can further suggest to the member that the normal provisions under the student loans and awards will be available this year, but we're not about to embark on a job programme for 70,000 students; no way.

**Mr. Deans:** One final supplementary: Given that there is, as the minister says, a nominal increase in the numbers of jobs being provided by government this year, and given that there's a substantial increase in the number of unemployed in the province this year, why is there not a programme in place now which would have compensated for the difference between the government's nominal increase and the substantial increase in the unemployed?

**Hon. Mr. McKeough:** Mr. Speaker, I suggest there is no conceivable way in which we could have located 70,000 students who are without work this summer. There is no



conceivable way. The member should use his head.

**Mr. Deans:** The government just doesn't try.

**Hon. Mr. McKeough:** Why doesn't the member use his head?

**Mr. Lewis:** The minister just doesn't care.

**Mr. Speaker:** Order, please.

**Mr. Lewis:** The government wipes its hands of every programme that way.

**Mr. Deans:** What about the people who are unemployed? The minister decided it was too tough.

**Mr. Cassidy:** It was the queen of France who said, "Let them eat cake."

**Mr. Speaker:** Order, please. One final supplementary from the member for Grey-Bruce.

**Mr. Sargent:** As a supplementary question, Mr. Minister: In Boston they have a rent-a-kid programme, which has been going over like gangbusters. Homeowners across the province could give kids jobs. This would be a great thing to put into effect and the government could do a fast programme now, if it wanted to.

**Mr. Speaker:** What is the member's question?

**Mr. Sargent:** Would the government do it; that's it?

**Mr. Speaker:** The member for Sarnia.

**Mr. Sargent:** The minister doesn't know.

**Mr. Bullbrook:** Why doesn't the member ask the Minister of Energy if he would undertake that programme?

## REGISTERED SURGICAL NURSES

**Mr. Bullbrook:** I would like to direct a question to the Minister of Health, if I may, in perhaps two or three parts. It's with respect to the obligation of registered surgical nurses to undertake, against their conscientious objection, participation in certain operations.

I understood the policy that was developed by his ministry was that they could do so if they wished. I would like him, in perhaps two or three parts, to clarify whether that was his policy. Does he agree with the directive of the Ontario Hospital Association, now apparently published on many

bulletin boards? They say, and I quote: "In this way, staff will have an opportunity to decide whether they wish to start or to continue employment when these procedures are carried out."

In essence, the OHA is saying: "You can either take it or leave it. We don't care about your conscientious objection. If you don't want to participate in these surgical procedures you can quit your job." Does the minister agree with that?

**Hon. Mr. Miller:** Mr. Speaker, the question has been asked in various ways at a number of the cabinet meetings around this province. It has been the position of this ministry that any nurse who did not want to work in a setting where abortions were performed, should be allowed to work elsewhere in the hospital. This is a matter of their conscience. We, as a government, have no intention of asking people to work in a delivery room or any other part of the hospital where procedures are carried out that go against their own conscience. My feeling is that a person on staff should not be required to leave, but should be allowed other employment within the hospital.

**Mr. Bullbrook:** In case I misunderstood or am too obtuse to understand, would the minister follow up the question of the interpretation of the words "or to continue employment," as contained in this directive? And could he assure that profession and, perhaps, the members of this House, therefore, that no registered surgical nurse opting out of these procedures will lose her employment?

**Hon. Mr. Miller:** Mr. Speaker, I will make sure, first of all, that the Ontario Hospital Association—which, while it talks to me often, does not talk for me—

**Mr. Bullbrook:** I understand that quite well.

**Hon. Mr. Miller:** —has the same interpretation as the member has placed upon that statement, because if it is interpreting it the way the member is, I certainly wouldn't be happy about it. I'm not sure that it needs to be interpreted that way.

**Mr. Bullbrook:** I don't want to drag this on, but it's an extremely important issue in respect to a right of conscientious objection. Would the minister answer for me, if he could, that his ministry would undertake to see that these people in that profession will not lose their employment as a result of the undertakings with respect to their conscience?

**Hon. Mr. Miller:** Insofar as I am able, I will.

**Mr. Speaker:** The member for Stormont.

### OFFICIAL LANGUAGES IN SCHOOLS

**Mr. G. Samis (Stormont):** I have a question of the Minister of Education. Is he in agreement with the commissioner of official languages, who suggested yesterday in a TV interview that official languages should be compulsory in all schools in Canada and that the present system makes it too easy for students to drop the second language, especially at the high school level.

**Hon. T. L. Wells (Minister of Education):** First of all, Mr. Speaker, English is compulsory in the schools of Ontario. As to whether I think French should be compulsory in the schools of Ontario, my answer to that is "no, I don't think it should be."

**Mr. Samis:** Supplementary: Is the minister in agreement with his other suggestion that the emphasis for bilingualism be shifted from the federal government to the provincial level via the education system?

**Mr. Breithaupt:** He'd better not be, with that point of view.

**Hon. Mr. Wells:** I would say, Mr. Speaker, if my friend had seen some of the previous comments of Mr. Spicer, that I think he was very complimentary to the things that Ontario had done in this particular area—

**Mr. Good:** Not last night on television.

**Hon. Mr. Wells:** He must be talking about some of the other provinces—

**Mr. Samis:** He didn't put Ontario on the same level as New Brunswick.

**Hon. Mr. Wells:** —and I'm not so sure that his record with the public service of Canada is such that it would commend him to recommend to us what we should do.

**Mr. Lewis:** That was a nasty little touch, but it made the minister's point—like a little shiv between Keith Spicer's shoulder blades.

**Mr. Cassidy:** It wasn't called for.

**Mr. Lewis:** Who will defend Keith Spicer in this House?

**Mr. Speaker:** Order, please. The member for Grey-Bruce has an important question.

### ONTARIO LOTTERY

**Mr. Sargent:** Mr. Speaker, knowing your desire for tight, brief, concise questions, I have a threefold question of the Minister of Culture and Recreation with regard to the lottery, which we in this party are in favour of, although we are not in favour of another pork barrel if we can stop it.

Knowing the number of unclaimed prizes—from the last draw there are still 1,900 out of 3,500 kicking around, or over half—would the minister advise why the door is open for distributors or why, according to the Attorney General, the distributors are legally entitled to collect this money if they can find these tickets?

**Mr. R. G. Hodgson (Victoria-Haliburton):** Who wrote this question?

**Hon. Mr. Rhodes:** The oral question period has expired.

**Hon. Mr. Grossman:** Brief and concise!

**Mr. Sargent:** Secondly, regarding the unsold tickets, the system is wrong when unsold tickets can be winners—

Some hon. members: Order, order.

**Mr. Speaker:** Your question?

**Mr. Sargent:** Why then—

**Mr. G. Nixon (Dovercourt):** What's the question?

**Mr. Sargent:** Why shouldn't it be that only people who have paid their money can be entitled to win, as is the case in the Irish Sweepstakes, for instance?

**Mr. G. Nixon:** What's wrong with the member?

**Mr. Samis:** You've had 30 minutes to write this out.

**Mr. Sargent:** Come on, George.

**Mr. Leluk:** Spit it out.

**Mr. Speaker:** Order, please. We are wasting time.

**Mr. Sargent:** Thirdly, in view of the fact that many distributors make twice as much as the Premier—

An hon. member: Question.

**Mr. Sargent:** —and, on the basis of 15 per cent or seven per cent net of the take, about \$600,000 has been paid to date—

**Mr. Speaker:** And the question?

**Hon. Mr. Rhodes:** Isn't this embarrassing?

**Mr. Sargent:** —would the minister advise what is the current rate being paid to them and how many of these high-rollers we have in this deal?

**Hon. Mr. Rhodes:** The member is an absolute embarrassment to his colleagues.

**Mr. Sargent:** Very embarrassing.

**Mr. Breithaupt:** They could double the minister's salary.

**Hon. Mr. Welch:** Mr. Speaker, if I could, perhaps I should go through the questions in reverse order. The hon. member for Grey-Bruce will know that at the outset of the establishment of the lottery corporation, the lottery corporation provided me with a list of distributors and a map of Ontario as to how they were divided, and the procedures by which they were appointed.

**Hon. Mr. Grossman:** Who were they appointed by? That's the question.

**Hon. Mr. Welch:** That information was sent to all members of the Legislature, over my signature, some weeks ago.

**Mr. Stokes:** And he thought it was his new riding boundaries.

**Hon. Mr. Grossman:** He thinks we should change all the distributors.

**Hon. Mr. Welch:** A decision with respect to the distribution system was made by the—

**Mr. Sargent:** How many are there?

**Hon. Mr. Welch:** There are 37 distributors, I think. That decision was made by the lottery corporation itself; in responding to the request that the first draw be on May 15, they indicated they would like to start with the established distribution system of the Olympic lottery.

**Hon. Mr. Grossman:** The Liberal opposition wants the minister to change them.

**Hon. Mr. Welch:** In fact, they interviewed these particular people and others where there were vacancies, made their recommendations to the board and accepted the responsibility for those particular appointments and where they are. As I say, that information was distributed some weeks ago to the hon. member, and the hon. member will know the system, because I'm sure he is familiar with some who in fact made application to that particular board for that particular franchise.

**No. 2:** As indicated in my statement this afternoon, the commission paid by the lottery corporation to the distributors—or rather the amount of the discount—is at present seven per cent. I indicated the board was now reviewing this against the light of experience of the first three draws and soon will be making, it's my understanding, some announcement with respect to revisions in that particular rate.

**Hon. Mr. Grossman:** Oh, let's change the distributors.

**Hon. Mr. Welch:** No. 3: I think the hon. member is misquoting my colleague, the Attorney General, because I have read the Hansard report of the exchange on Friday. I think the point being made at that time, which I would reiterate this afternoon, is that technically there are no unsold tickets. The transfer from the lottery corporation to the 37 distributors is on a cash basis. They pay for all their tickets.

**Mr. Sargent:** It's a credit system and the minister knows that.

**Hon. Mr. Grossman:** All the member for Grey-Bruce understands is that he can't—

**Mr. Good:** Wholesalers should not be handling them.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Hon. Mr. Welch:** The tickets are sold from the corporation to the distributor at the discounted rate. They are sold from the distributor to the retailer at that discounted rate.

**Mr. B. Newman (Windsor-Walkerville):** Where does the bank come in?

**Hon. Mr. Welch:** There is a provision for refunds provided they are turned in within a prescribed period of time in an unopened condition. They then return through the system ultimately to the lottery corporation. The Attorney General was making some reference with respect to that method of sale as between the corporation and the distributor and the retailer. The point which the member does not make and which I feel I could add to his question—

**Mr. Sargent:** How can they know?

**Hon. Mr. Welch:** —is that starting with the next draw, the draw which will be held two weeks from Thursday, there will be no identification on the outside of the envelope with respect to the series number. There



will be nothing on the outside of the envelope which will provide anybody with any advantage by knowing what is inside the envelope, at least series-wise.

As members know, we have responded to public demand that even within the envelope itself there be a mix of numbers and series so that now when one buys an envelope one has mixed series and mixed numbers which is something that even the Quebec lottery doesn't provide for at the moment. I think that is important. There will be really nothing in the way of identification on the outside of the envelope.

May I say finally—if I have left out anything, I hope the member will tell me—to make any comparison between this draw and the Irish Sweepstake is very unfortunate. Anybody's comments about that particular draw—it's not really my jurisdiction to talk about that but that is the very point I was trying to make at the beginning.

There are no stubs here. There is no concern on the part of the man who walks into the cigar store and buys his ticket as to whether his stub actually gets into a barrel for purposes of a draw. He has a ticket and a number is going to be drawn. It's a simplified game which removes the risks as to whether or not stubs do appear. I think we would stand to be very severely criticized for running any type of game where there was the possibility that somebody wouldn't be able to participate because his stub didn't get in. The member knows what some of the complaints are not only with respect to that type of draw but other draws one might mention which are on that basis.

A man or a woman buys a ticket; it has a number on it. The numbers are being selected at public functions all over this province. It's a very simplified way to know whether or not he has won through the system. We think it is a very simplified matter.

Before I complete this matter, if the member for Grey-Bruce quite sincerely and honestly feels that as far as the conduct of the game is concerned there could be any further improvements, any other suggestions, if he would just let me know, I'll send them to the lottery corporation and ask them to review them. We have a game here which is done in the most objective way possible. It stands the scrutiny of any tests. We set aside a prescribed amount of money for the prize account. It's there. It has to be there for over a year to provide for claims following which there will be some other draw. How much more can we do?

**Mr. Stokes:** I am sure glad he made a ministerial statement on this.

**Mr. Lewis:** That is what is known as quintessential Welch—the ultimate reasonable man.

**Mr. Speaker:** Order, please. There is time for one question from the member for High Park.

#### CANADIAN WORKERS UNION

**Mr. M. Shulman (High Park):** A question of the Minister of Labour, Mr. Speaker: Inasmuch as the Canadian Workers Union has moved or is moving today a motion before the Supreme Court of Ontario that the head of the Labour Relations Board be arrested, is the minister in a position to make a statement of what in the world is going on with all this nonsense with the Canadian Workers Union?

**Hon. J. P. MacBeth (Minister of Labour):** Sir, that's news to me. I saw the chairman of the Labour Relations Board this morning. He was still a free man and I expect he will still be a free man this afternoon. I know nothing about the motion, sir.

**Mr. Lewis:** He should have stayed with David Lewis's law firm. He would have been better off.

**Mr. Speaker:** The time for the question period has expired.

Petitions.

Presenting reports.

**Mr. W. Hodgson (York North):** Mr. Speaker, I beg leave to table a report of the select committee on company law, on loan and trust corporations.

**Mr. Speaker,** I do not intend to take a lot of the time of the House in explaining the activities of the committee but they are all listed. Both the members and the activities of the committee for the last year and a half are listed on the first three pages of the report, but I would like to take the opportunity of thanking the members of the committee for the co-operation and excellent attendance during all meetings.

Also, I have some guests in your gallery who have made a major contribution to this report and I would like to name them at this time. Mr. David Harley, counsel; Mr. George Ness, associate counsel; Mr. Eric Brown, Mr. William Potter, and Mr. Tony Hedge, from

the Trust Companies Association; Mr. Murray Thompson, Mr. Robert Brewerton and Mr. Harry Terhune from the loan and trust companies division of the Ministry of Consumer and Commercial Relations. Without their help, this report would not have been possible and I would like to thank them on behalf of the committee for the generous giving of their time and their devotion and contribution to the committee.

He is not in the gallery today, but I would also express our thanks to Mr. Peter Held, an accountant from the firm of Dunwoody, and also to Mrs. Frances Nokes, who has been secretary of the committee since 1965, and Miss Sandy Davidson who was associate secretary. There are also other members of the House who made a major contribution at the early part of this committee's study. They are the members for St. David (Mrs. Scrivener), Haldimand-Norfolk (Mr. Allan), York East (Mr. Meen), and Eglinton.

I would like to express on behalf of the committee the valuable service of the late Gordon Grundy, registrar, rendered to the Province of Ontario and in particular the valued contribution he made to the report we are presenting today. I am sure that every member of this Legislature will join with me in offering our heartfelt sympathy and regrets to Mrs. Grundy on the passing of her husband.

Mr. Speaker, this report contains recommendations that I feel will offer protection and more security for the consumer and also will enable our financial institutions, namely the trust and loan companies, to make a greater contribution to the economy of our province. Mr. Speaker, I regret very much that we have not got enough copies to meet the requests and the demand that there is for these reports, but we hope to meet all those requests in the matter of two weeks.

Mr. Speaker, with these few remarks I once again want to thank the members of the committee of which I had the pleasure of being chairman and we look forward to doing another report on a request that has come from the minister in this last couple of weeks. Thank you very much.

**Mr. J. A. Renwick (Riverdale):** If I may comment briefly on behalf of my colleague, the member for Lakeshore (Mr. Lawlor) and myself about the report as the representatives of the New Democratic Party sitting on that committee, I echo the remarks which were made by the chairman about the tribute which must be paid to those in the gallery who contributed so significantly to the work of the committee.

I would comment that this is the fifth report of the select committee on corporation law and all of those reports are significant reports. Many of them have found their way into legislation already and I'm quite certain that a substantial number of the recommendations which are made in this report will find their way into legislation.

I particularly would draw the attention of the ministry, of course, to the significant recommendation and problem with which we tried to deal as set out in chapter nine of the report dealing with the administration of estates and trusts. I trust that the ministry will attend to that recommendation and perhaps take steps to move promptly to carry out the study which is required in the field of the administration of the small- and medium-sized estates, which is a significant problem.

I expect and anticipate that either in the next Parliament or this Parliament if it continues the ministry would see fit to permit the committee to be reappointed to carry on the remainder of the work which was set out 10 years ago, mainly the field of the insurance companies and the fields related to the winding up of corporations and the field with respect to corporations without share capital. When those matters are attended to and a number of miscellaneous matters are concluded, the work of the committee which set out on this long road 10 years ago will be completed and will have made a substantial contribution to the laws of the province.

**Mr. Speaker:** Motions.

Introduction of bills.

#### LABOUR RELATIONS AMENDMENT ACT

Mr. Samis moves first reading of bill intituled, An Act to amend the Labour Relations Act.

Motion agreed to; first reading of the bill.

**Mr. Samis:** The purpose of this bill, Mr. Speaker, is to allow union certification at 50 per cent instead of the present 65 per cent figure.

#### LABOUR RELATIONS AMENDMENT ACT

Mr. Samis moves first reading of bill intituled, An Act to amend the Labour Relations Act.



Motion agreed to; first reading of the bill.

**Mr. Samis:** The purpose of this bill, Mr. Speaker, is to allow people in middle management and private security guards the right to join an association or a union of their own choice.

**Mr. Speaker:** Before the orders of the day, I should inform the members that on Thursday last the member for Rainy River (Mr. Reid) raised what he considered to be a point of order with respect to a ruling by the vice-chairman of the procedural affairs committee while considering estimates.

I must again remind the House that there is no procedure for appealing the ruling of a committee chairman to the Speaker of the House. The only appeal is to the committee. In the present instance, I understand that this appeal was taken and the chairman's ruling sustained.

There is no procedure for an individual member to bring a matter from a committee to the House. When a report of a committee has been properly presented, it is then open for consideration by the House but this is the only procedure.

However, in an effort to be as helpful as possible and to minimize such problems in the future, I will undertake to study very carefully the whole debate that took place in the committee considering the estimates of the Office of the Assembly and discuss the matter thoroughly with the Board of Internal Economy in an effort to provide some reasonable procedure.

This, I might add, will include the matter raised by the member for Scarborough West after the first matter had been raised.

Orders of the day.

**Clerk of the House:** The third order, House in committee of the whole.

#### FAMILY LAW REFORM ACT (continued)

House in committee on Bill 75, An Act to reform certain Laws founded upon Marital or Family Relationships.

**Mr. Chairman:** We were on subsection 3 of section 1 when we adjourned.

**Mr. J. A. Renwick (Riverdale):** Yes, Mr. Chairman. I return to the debate refreshed after a weekend away from the Attorney General.

**Hon. J. T. Clement (Provincial Secretary for Justice):** Surely he is tired.

**Mr. E. J. Bounsall (Windsor West):** That should have tired him out.

On section 1:

**Mr. Renwick:** It has been interminable. I think the Provincial Secretary for Justice's estimates were called some time early in 1971. I think my colleague, the member for Lakeshore (Mr. Lawlor), and myself feel we have been talking to the Attorney General for months, either on his estimates or on his bills.

On item (c), I want to try to be somewhat clearer than I was on Friday about my concerns about that section. I would appreciate it if the Attorney General would confirm my understandings. I understand that item (c) of subsection 3 of section 1 is designated in a very indirect way to state in our law the effect of the dissenting judgement, of Mr. Justice Laskin, as he then was, in the Murdoch case. That is my first understanding.

My second understanding is that this section of itself does not have a bearing upon the question of the matrimonial home. While one can read this section to indicate that it refers to any kind of property, regardless of whether it can be within the description "matrimonial home" or not, that it is the intention to have separate legislation dealing with the matrimonial home. However, as I read item (c) of subsection 3 of section 1, it applies to any kind of property in which there has been work expended as well as money or money's worth. That is the second matter I would like clarification on.

The third matter I would like some clarification on is that it is irrelevant as to whether or not the property was in the name of one of the spouses or in the name of both spouses under some holding of joint tenancy, either a tenancy in common, or a joint tenancy. Those are my first three points. Then I want to come back to the problem of work valuation which is required under this section as I understand it.

**Hon. Mr. Clement:** Mr. Chairman, in the same section of the predecessor of this bill which was tendered by the then Attorney General in June, 1974, instead of using the word "property" it used the word "business" and then expanded that so it read "of a business including a farm." It became apparent to us, after receiving briefs over the summer months and last fall and earlier this spring, that the matrimonial home in all probability would not be included in the definition in that Bill 117, the predecessor bill.

It was changed therefore to the word "property," which, of course, would include



the matrimonial home or a farm. There is no question certainly in my mind about that. It was put there to do the very thing that we hoped the bill at this stage in time would do, that is, give protection to those who required protection because of money's worth and finances and work that they had contributed to the acquisition of that property.

Mr. Justice Laskin in his Murdoch judgement, touched on by the member briefly today and a little more fully last Friday during the debate, set forth some of his concerns. It is our hope that the draft now before the House sitting here in committee will relieve him of those concerns—let's put it that way. The intention of the ministry is to proceed to the next stage in followup legislation. As I have indicated it will be an ongoing programme of legislation dealing with family assets and might well have a specific section dealing with the matrimonial home. I don't wish this construed as an undertaking to deal with it specifically, because it may well be the impression of my law officers that the subsection we're now debating might well cover that.

The member has touched on a jointly-held piece of property. That is where spouses buy property and hold it as joint tenants and not as tenants in common. If you will turn to subsection (d) which immediately follows, we look at the presumption of advancement being abolished and in its place we apply a presumption of a resulting trust. It would deal with that sort of situation. Standing here looking at the section, I wonder if subsection (c), the matter presently before us, in the wording, "except as agreed between them" might indicate a specific intention that it's to be held equally in spite of the contribution of either side to the acquisition of that home.

Under the present law, I suppose that where the gift is transferred or where the man, let's say, uses his acquired dollars to buy a jointly-held piece of real estate, be it the matrimonial home or otherwise, you have the present situation of the presumption of the gift passing from the husband to the wife; that is, half of the interest of the equity in that piece of realty; that presumption runs in her favour. If the situation is reversed, as I understand the law—to simplify it—it is a presumption of a resulting trust flowing from the female spouse to the male. Subsection (d) is an attempt to clarify this.

Subsection (c), as I understand it, really is a discretionary section in the Act to allow

the judge to inquire and to make his determination. When we left the debate on Friday last, I recollect the member for Riverdale suggesting that perhaps we should have guidelines either in the legislation or probably in the regulations to assist the judge in exercising that discretion. It would seem to me he might be a little bit too hooped or constricted if it was laid down just as a simple formula because there are findings of fact which he must make after hearing the evidence as to the amount of the work or the money's worth, the value, he has to apply to it.

It would seem to me when you get into the situation of the husband having gone to work each day of his working life while the wife has stayed home and played the role of the homemaker and assisted in the raising of the children and maintaining the home—maintenance of the home insofar as the cleaning and this sort of thing is concerned—doing those duties so common to a homemaker, the judge in that situation—I recall discussing this with the member the other day—I would think, would probably say, "In the absence of anything to the contrary I can't see anything more equitable than to split it 50-50," unless the weight of evidence was such that he couldn't come to that conclusion. I don't feel he should be fettered by some kind of a formula devised here at Queen's Park which gives an equivalent percentage for a certain type of work which is to be applied against the whole value of the property, when dealing with one of these applications.

I think those are the only comments I have at this particular time with reference to this section.

**Mr. Renwick:** Mr. Chairman, I want to pursue it somewhat further. I think we've got to clearly understand that the Murdoch case did not solve the problem. Even if the dissenting judgement had been the judgement of the court, the court did not indicate and the dissenting judgement did not indicate as to the basis upon which the decision would be made as to the value to be attributed to the work which, in that particular case, Mrs. Murdoch had put into the ranching business which she and her husband had spent their time developing and improving.

Indeed, the dissenting judgement said that it wasn't a resulting trust; it said it was a constructive trust. If we're talking about implementing in our law the dissenting judgement in the Murdoch case, the dissenting judgement simply stated that there would

have been unjust enrichment of Mr. Murdoch, and it would have been referred back to the court to determine the extent of the unjust enrichment at the expense of Mrs. Murdoch and the work which she had done in the business.

I don't think that we really will have problems in the future about people who are (a) knowledgeable and, (b) relatively wealthy, who bring into a marriage or during the course of a marriage develop a substantial equity, in a property sense, in the marriage relationship. Those people, as I tried to say, will consult lawyers, they'll consult accountants, whatever accounting has to be done will be done, and that is not a problem which we in this Legislature need worry ourselves about, except to provide that people can agree. What we're really concerned about is the normal relationship which has its inception in a marriage between relatively young people without any significant assets on the part of either spouse and who, in the course of the time when they are married, build up an equity interest.

It seems to me that the law in those cases, subject always to whatever other agreement they want to make, is going to have to say, "In the absence of agreement the economic equity in the marriage is 50-50." I don't think you can ask a court, in any really significant sense—and the minister himself indicated that he doesn't believe that's possible—to do an accounting and evaluation of work done and labour expended in the marriage relationship, particularly when we're now clear that this section covers the marital home situation. If I can call it that, the economic equity that is built up during the course of the marriage is, it seems to me, one which the law is going to have to say is a 50-50 one, except as otherwise agreed.

I don't think it is fair to ask a court to make that kind of valuation. I don't think it is possible to use the theory of unjust enrichment and value the contribution of one person in order that the other person in the marriage relationship will not be unjustly enriched. I think it's quite significant that Mr. Justice Laskin, in his dissenting judgement, said very clearly, and I quote:

No doubt legislative action may be the better way to lay down policies and prescribe conditions under which and the extent to which spouses should share in property acquired by either or both during marriage. But the better way is not the only way, and if the exercise of a traditional jurisdiction by the courts can conduce to equitable sharing, it should not be

withheld merely because difficulties in particular cases, and the making of distinctions may result in the slower and perhaps more painful evolution of principle.

I take it that what Mr. Justice Laskin was saying is that while this language in item (c) of subsection 3 may be apt for the purpose in legal terminology of embedding in the law the principle of the dissenting judgement of Laskin in the Murdoch case, that it does not fulfil what he felt to be the procedures which are necessary. He didn't say, "Well, legislate into the law a dozen lines and that solves the problem." He said:

No doubt, legislative action may be the better way to lay down policies and prescribe conditions under which and the extent to which spouses should share in property acquired by either or both during marriage.

I don't think that this bill, and we have no indication about any subsequent bill, because of the disclaimer which the minister himself made, will be forthcoming for the purpose of laying down the policies and principles and the conditions to which reference was made.

In the absence of legislative policies and conditions and a perspective within which certain rules will apply, subject to agreement otherwise by the parties, the court said: "We'll do it, even though it is extremely difficult."

The funny thing which has happened by what the government has done is not really to fulfil the legislative demand that Laskin felt was necessary, all the government has done is to really reverse the majority decision of the Supreme Court of Canada and substitute for it the decision of Mr. Justice Laskin. Therefore, the courts are going to have all of the problems of which he was aware and all of the difficulties of which he was aware when he said, "Of course, we're not in a position here to decide, so the matter will have to be referred back." He said:

Having regard to what each put into the various ventures in labour and money, beginning with their hiring out as a couple working for wages, I would declare that the wife is beneficially entitled to an interest in the Brockway property and that the husband is under an obligation as a constructive trustee to convey that interest to her. Rather than fix the size of her interest arbitrarily, I would refer the case back for inquiry and report for that purpose.

He's referring it back. Again, I think that, in a sense, this bill is an abdication of what really is required by way of government



policy. I think it has got to be firmly stated as the starting principle. Bear in mind that we're talking about the great majority of married relationships where, as I said earlier, little if any of economic assets are brought into the marriage, but that over the course of time, through the marriage as such, an economic interest or an economic equity is built up in which a decision has to be made as to what the extent of the participation is. I think the principle which has got to be placed into legislation is that, except as otherwise agreed, it shall be considered to be 50-50 until the termination of the marriage as such.

I am in a sense extremely unhappy about this provision. I am extremely unhappy both for the reasons which I have now stated and also because, so far as any ordinary citizen reading this section is concerned, it is just plain gobbledegook. He could never understand what it is designed to say. That is central to the feeling that I have about it. There are any number of variations on the theme but the fundamental principle and the starting point have got to be in legislation, as I have stated it. Then, if there are substantial variations in degree as to the rights of each spouse to assets of the marriage or to the economic equity built up during the course of the marriage, they can go and take independent legal advice, enter into a different agreement with respect to what it's about and vary their relationships; or if it happens to be the situation where one spouse has very substantial assets at the inception of a marriage, then of course there should be a clear statement that those matters are to be brought into account in accordance with an accounting principle for which they will be able to pay and for which they will be able to take professional advice and assistance.

Let me make another point which I think has to be made. It is a strange historic anomaly that in the Province of Ontario of all the provinces of Canada there is no jurisdiction in the court to decree judicial separation. I remember at one time we talked about this at some length in the House. It is purely an historic anomaly; nothing more, nothing less. It is an accident of time. It is an accident of the time 1792—when the laws of England came into the province of Upper Canada that the decision with respect to judicial separation was still within the ecclesiastic courts of Great Britain, if my recollection is right. For other reasons, it is within the laws of all of the other provinces, including the Maritime provinces, some of which ante-dated Upper Canada as did Nova Scotia in any event. It is in the laws of all of the western provinces. One of the matters which Mrs.

Murdoch was seeking in the first action, which was not a matter being dealt with by the Supreme Court, was a judicial separation.

I think it is time in item (c) of subsection 3 of section 1 that we not leave the great bulk of the situations purely to a divorce or death situation. I don't think we should just leave it there. Then, as every lawyer has to explain carefully to innumerable clients, when they come before him saying they want a separation, the only separation in Ontario apart from divorce is if the two parties agree to sign a contract, making them separate.

**Hon. Mr. Clement:** They want a legal separation.

**Mr. Renwick:** Yes, they want a legal separation. We all have to patiently explain that's only possible if the two parties are prepared to sit down and each one of them is prepared to sign a document and the matter goes out to a lawyer—or properly done to two lawyers—and the standard boiler-plate separation agreement with the minor adaptations for the particular case situation is drafted. Then the parties decide whether or not they will sign it and they sign it.

It seems to me in the absence of a judicial separation authority, it's within the jurisdiction of the Legislature of the Province of Ontario to provide for that kind of separation. It seems to me you would go a long way towards implementing the basic principle of item (c) of subsection 3, or the principle that I enunciated, of an assumption of a 50-50 interest in the economic equity of the marriage. These words, "except as agreed" would not vitiate the operation of item (c) because there are many situations in which the first important step is to negotiate the separation as to property. Of course, the moment that's done and the moment there's a separation agreement, this no longer adds or operates and if, ultimately at some point in the distant future, an actual divorce takes place, it is unlikely it would ever be varied.

It seems to me to be an additional law which I would like to point out. It not only appears to me to be flawed in the conception of not establishing the principle and the policies and the conditions which are to be applied under our legislative scheme but it perpetuates this question of these boiler-plate separation agreements which are prepared and which would be equivalent to the spouse's opting out of the operation of the legislative statement of the dissenting judgement in the Murdoch case.

I think it is fair to say that after the House rose on Friday, the Attorney General and I



exchanged a couple of views on it. I was pleased to hear that he was thinking about something in the nature of a formula somewhat similar to a devolution of estates formula setting out what will be the way in which property will devolve, in the absence of agreement—as in the case of the devolution of estates in the absence of a will.

That's why I have swung in my thinking to the proposition, "All right, this is satisfactory for the present time." But I think that, at some point, without getting involved in the distinction between the marital home and what is not the marital home, there should be some kind of statutory formula for the allocation of property in the event of the separation of the spouses.

It should rule out the separation agreement in the traditional sense and I think you should seriously consider conferring jurisdiction to decree judicial separation on the courts in Ontario, the Supreme Court and the county court. I think it's fully within the jurisdiction of this province because it doesn't touch upon divorce in the sense of marriage and divorce under the constitution. It touches really upon the power judicially to enforce a separation of two persons who remain married and by virtue of that decree and subject to the statutory formula for the division of the economic equity in the marriage relationship, it would seem to me we would have a reasonably workable scheme.

It would seem to me it would also have the additional advantage of not intruding upon the period of time when the spouses were living together, working together and dividing up the roles or the jobs or the work or whatever you want it to be called which are part and parcel of a marriage relationship in what is becoming, of course, an extremely difficult and very much an economic relationship. Those decisions can continue to be made in whatever way the two people work them out.

I think each spouse has to understand that the moment you enter into the marriage you are embarking upon a 50-50 partnership unless you each take independent advice elsewhere and decide to enter into another agreement, and certainly the independent advice of each spouse is a necessary ingredient of an agreement, because otherwise you would have problems of duress or lack of understanding or undue influence—perhaps not in any punitive sense, but simply undue influence in the sense that one party might be much more knowledgeable than the other one and property matters than the other one would be.

Perhaps the Attorney General would see fit to comment on those remarks.

**Hon. Mr. Clement:** Mr. Chairman, starting with the last and moving back through the observations of the member for Riverdale, I am advised that the Ontario Law Reform Commission has considered the question of judicial separation in this jurisdiction, as we know it from reading the English cases, and has advised our ministry that there is some constitutional difficulty with that particular concept but that it will report to us in greater detail in due course. So I'm sorry; I wasn't aware of that.

I cannot detail what the constitutional difficulty is, although I presume it is something relating to the powers possessed by the ecclesiastical courts and vested in the English courts of equity and law, and perhaps flowing down to us through the British North America Act some 108 years ago. But I will leave that, for the speculation of the hon. member, to await the observations of the Ontario Law Reform Commission.

I think we've got to tune in right now on what we're really trying to do with this subsection (c) that we're talking about. I'm confident that when the Murdoch decision became public knowledge, sympathy was certainly very, very heavily on the side of Mrs. Murdoch. She had made all of these contributions of her work and talents over an extended number of years for the growth and success of the family farm, which she regarded as the family business. I think generally that's a conception we all have of that case, and it seems so unfair to us that she could make this contribution and end up finally receiving really no recognition in a tangible form for that contribution.

Subsection 3, with which we're now dealing, really relates to that type of situation, but can also apply to the matrimonial home if, indeed, the spouse made a contribution in either dollars or money's worth or work to—it is all set out there—the management, maintenance, acquisition, operation and improvement of the specific property. We're not talking about other property or other assets of the family right now. Let's talk about the accordance with one or more of those contributions set forth, then she can, regardless of how title is registered, make that known to the judge.

Let's take the situation where a man owns a home, say under a deed to uses. As I understand the law today, if his wife gave him sufficient funds to pay off the mortgage—and, of course, because of all those technical things we learned at law school we know that we

don't with the deed to uses; we get a release and reconveyance—but in any event, he discharges the obligation registered against that title and it would then be vested in him under a deed to uses. He can dispose of it as he sees fit, regardless of the fact that his wife has made a contribution in one form or another. There is no way she can restrain him that I am aware of, barring registering some kind of caution on title or something of this nature, but not in the ordinary day-to-day dealing of that property.

To date, this was the law of the land. It is a property, she could prove a contribution, and that contribution would be recognized if the tests were met under this subsection (c). That could be extended into other areas, where she advanced him money to buy a business and together they worked in that business. But you cannot look at all of the functions that each has done in their respective roles of being husband and wife and try to equate them.

If he was a lawyer, you can't try to equate his taking a large lawsuit with her babysitting the children for six weeks. You can't equate those kinds of thing. I don't know what formula anybody could ever develop that would say one hour of litigation is equal to six hours of babysitting. I mean, that is just ridiculous, and I won't explore it any further.

**Mr. M. Cassidy (Ottawa Centre):** Why not?

**Mr. Renwick:** That is why it has to be distributed 50-50.

**Mr. Bounsall:** That is why it should be 50-50.

**Hon. Mr. Clement:** All right; but there are matters that can be more readily identifiable and pinned down. If one contributed money for money's worth, money's worth might be in the form of kind and very easily equated into dollars and cents.

So what we are doing here, if this was the law of the land, and Mrs. Murdoch resided in Ontario, Mrs. Murdoch's contribution would be a very proper matter to be litigated before the courts. I would presume that if she made her case, she would have received out of the farm business or operation recognition for her contribution. If it was a matrimonial home today, and this was the law of the land, the same thing.

But if she made no contribution in terms of work, money's worth, to the home, if it was not in her name, then she may not be able to claim against that particular asset.

Now, we must distinguish the second type of thing, as I see it in my mind, after acquired

assets; that is, assets acquired after the marriage. He is worth \$20,000; she is worth \$20,000; they get married. Now, the growth of the relative assets may vary and likely would. That type of thing as to the expansion of the after-acquired assets in the marriage will be hopefully dealt with this autumn when we get into the next stage.

I take the view that that is where the function that each has played is much more significant. Because while he is out litigating in the courts and she is kept in the home atmosphere, it might be that 50-50 is the equation. On the other hand, it may not be.

You see, I am torn. I am agonizing whether or not to have a formula which leaves no jurisdiction or discretion to the judge. I am a little frightened of those inflexible sort of things. It is awfully easy to say 50-50 and, in effect, you are in community of property. I don't lean in favour of community of property in any way, shape or form—just to say blindly community of property.

**Mr. Renwick:** I agree with that.

**Hon. Mr. Clement:** There are too many inherent risks, even in undertaking an ordinary commercial venture.

**Mr. Renwick:** That's right. I agree with that.

**Hon. Mr. Clement:** I say this not from an emotional point of view, but I say this from a practical point of view—that it would be a regressive step if we ever have that.

Let's take the situation where the young couple marry, each contributes the same number of assets in terms of dollars to the marriage. They start their marriage, and let's say that he, through no fault of his own, maybe is certified mentally incapable because of an injury in a car accident. The wife continues her type of activity and manages herself very well; and he lingers in a mental institution for a number of years and then dies.

I am not saying it is not, but is it equitable that immediately on his death that his family should be able to step in and receive half of the efforts that she has contributed to the growth of their asset portfolio following their marriage? I don't know the answers to these things and I want to think them out.

I just say it is not as simply resolved as saying, "Oh yes, it is 50-50." There are multiple problems that have to be looked at and this is why I think that one must lean in favour of certain discretions in the court as opposed to just drawing an arbitrary line legislatively and saying this is how it should be done. That makes it easier for us here in



this House, but I think that the hardship it would work on great numbers of people who would be affected by it would just be a horrible situation.

**Mr. Cassidy:** Spoken like a Tory.

**Hon. Mr. Clement:** It is not spoken like a Tory at all. You are saying from my example that his family should be able to walk in and take half of her efforts. That's what you are saying. Is that it?

**Mr. Cassidy:** You are taking a very rare case and saying that should apply to all cases.

**Hon. Mr. Clement:** I am not taking a very rare case because I will speak to you privately afterwards and tell you the name of someone known to you whose brother had this very thing happen to him; he was the victim. I tell you that it happened a number of years ago and that man is still alive today and is little better than a vegetable. They have one youngster. The wife has worked and in essence has been the whole family unit. I am not criticizing him, but he has made absolutely no contribution to that marriage because he couldn't. That wasn't his fault.

**Mr. Cassidy:** That's a rare case.

**Hon. Mr. Clement:** Yes, but those are the ones that sometimes you find very difficult to reconcile. The Murdoch case might well have been a rare case but it made a very strong point in terms of reaction across this country. I don't think anyone can readily stand up and say: "To hell with Mrs. Murdoch. She should have had an agreement. She got herself into this tangle." I don't think anybody who has thought that one out would ever say that. That, of course, would have been the perfect answer but it simply didn't happen. We have all become very much aware of the responsibility on us who make the law to see that it doesn't happen again. This is the reason that the bill is going forward.

**Mr. Renwick:** Mr. Chairman, may I just pursue a couple of points that are involved in it? The point which I was trying to make is that you have to start from the assumption that it is a 50-50 relationship. It may well be that you don't do it by a rule of law which provides no leeway. The legal language is quite apt to provide for the kind of flexibility which you may wish to have in such a statute in order to provide the leeway so that a court can vary within the 50-50 presumption of what those relationships should be. Either you can do it by a presumption that

it's 50-50 and then it would be up to either party who wanted to dispute the presumption to raise the matter in the court so it could be dealt with that way or, somewhat more formal than that, you could begin to carve out the exceptions with respect to the situations which bring about a decision as to what that allocation should be.

I am pleading with the ministry to start from an overview, whatever the legal language may be. I am just as anxious as anyone to see the element of flexibility which will provide that it is not a straitjacket and that equity can be dealt with during the course of it. But I think the courts should have and are entitled to have that kind of framework from which they start their assessment, because it does concern me.

I am not an expert in the housekeeper cases but that kind of situation usually means a very conservative, in the small "c" sense of the word, valuation about the value of the housekeeper's service at the time when the owner of the home dies and she appears on the scene to indicate that he promised her that in his will he would leave her such and such a part of his assets and failed to do so and that she comes into court very much on an unjust enrichment or a quantum meruit as to what the value is.

If you leave it without the guidance of an overview of the 50-50 marriage relationship as the starting point from which the court then operates where it is necessary to provide for the equity, you are likely to find judges looking, quite properly, to those areas which they can analogize, and they are likely to start to analogize or at least have some influence on their speaking, on the work aspect as distinct from the money and money's worth valuation.

Of course, this bill speaks of work, money or money's worth; and it's the work part of it which is so difficult to evaluate and where the problems are so difficult in making an adequate value judgement. I think it's a new field. I really don't think we have ever thought of it in terms of valuing things called looking after the home; raising the children; taking part-time employment; one spouse having a higher educational qualification and therefore, economically, being able to earn more money than the other spouse; even though each spouse spends the same number of hours per day at their economic chores. For example, there is the person who takes a job in an office as distinct from a spouse who has a particular professional qualification and who, if all goes well, is likely to earn more money.



I think in the legislation the minister has to establish the approach which the court is to take. That's why I say I tend to be a sceptic. I tend to think that had the dissenting judgement in Murdoch been the judgement of the court—which is what we are trying to do in the Province of Ontario—and had it gone back for a report and an evaluation, the value of the work of Mrs. Murdoch—it's quite clear there was only a marginal financial contribution by Mrs. Murdoch—would not have come anywhere close to equalling a 50 per cent interest in what was their joint venture; even though in their case, for practical purposes, all of the actual assets were built up out of the product of the joint efforts of both of them. I think that is a significant and serious problem.

If I may just advert for a moment to the Law Reform Commission's comment with respect to judicial separation, I didn't think for one moment there wouldn't be some kind of an issue on constitutionality raised. I am inclined to think it's one of those situations in which if every other province in Canada has jurisdiction through historical accident and we don't have it through historical accident, but in the Province of Ontario we pass the kind of legislation conferring that power on the courts, I don't think for one single moment we are going to find the constitutionality of it challenged. If it is challenged I am inclined to think it would be upheld.

I don't think the law works that way—that the other provinces would have the jurisdiction and we couldn't devise a method by which we would have the jurisdiction, simply because of the strange historical anomalies involved in the introduction of English law into Upper Canada.

**Mr. Chairman:** Does the minister want to reply?

**Hon. Mr. Clement:** I want to make one thing clear; I think I have misled the House; because I was advised by staff about the constitutional problems, I indicated we were going to hear back from the Ontario Law Reform Commission. The policy division of the ministry is taking a look at it right now and we are going to hear back from ourselves, not the Ontario Law Reform Commission. As I understand it they mentioned to us that there are some difficulties here so we will take—

**Mr. Renwick:** I take it you are seriously considering it then? Would that be putting it too strongly?

**Hon. Mr. Clement:** It's an avenue we are exploring.

**Mr. Chairman:** The member for St. George.

**Mrs. M. Campbell (St. George):** Mr. Chairman, I have listened with a great deal of interest to this interchange between the minister and the member for Riverdale. I must say that in viewing this section, trying to come to grips with the very problems outlined, as to how a court will really look at the value of the work, if we take the simple case of the wife who is in the home and the husband who is the breadwinner. I don't know and I worry about how a court would interpret this section with a view to trying to ascertain the value of that contribution. As my friend has suggested, I think of those cases of the housekeeper and the quantum meruit situations.

I also think of a couple of partnership cases that I was unfortunate enough to have to deal with as a lawyer, where it was a restaurant business and where one had the male in this case presumably putting up money and the female running the restaurant. Actually, in those circumstances, because there was no proper partnership agreement again, it was held in the first instance that the business was entirely his as a sole proprietorship and that really she had no claim at all.

It's this kind of thing that bothers me when we don't have any way of delineating or of advancing to any of the judges any kind of guidelines for interpreting this section. I am sure that will happen until something is done to change it. I don't know how you arrive at a 50-50 proposition. I think we could find as many inequities in that as we can in what is before us now. I agree with this, but there has to be some rule and some guideline by which judges can some way interpret the money's worth of the work performed in the home, if that is what we are talking about.

The other thing that bothers me about this section is that I don't see that it does provide for the matter of the business. I wondered whether the business was removed from this in order that it should not be considered or whether one is talking about property in that very broad sense. The Attorney General may remember in my opening remarks I discussed the matter of those cases which happen so frequently these days, where a wife does put her husband through the educational process. He becomes, we'll say, a lawyer; then they separate, usually

because he has more sophisticated tastes at that point, and there she is.

Under this section does she have or is she intended to have an interest in that business? If so, is it over and above what she has done in the way of providing financial assistance to him to get his education or would that be deemed to be not only money but money's worth or effort which would entitle her to something more than just what she put into his education? What about the fact that she has worked in the home at some stage, raised children and then apparently has this other type of contribution? What is her position in that case?

I may say that it is interesting, in speaking to the Attorney General on this, that this woman may have a claim, as he has indicated, in the family court; but in this case, if the husband chooses to go to jail on contempt rather than pay, which is not unusual, the Law Society doesn't consider this to be a breach of anything whatsoever, and there is no criticism of him if he continues his practice; so that she is completely out.

I'm interested that the Attorney General is so concerned about equity in these cases, as a result of his discussions the other day. I wonder why he is so happy to support that wife and family, as opposed to his concerns about supporting somebody on the domicile situation, which he outlined the other day.

It seems strange to me that when there is some chance for equity for a woman, we always get so awfully concerned that she may get too much or that things may be very difficult. It's only when she is treated as she was in the Murdoch case, to such inequities, that we get some tiny step forward. I would like to know how we approach this question of the assets of a business, which would be personality and not realty. I want to know if that is covered. Do you cover both here? Is that what you're saying?

**Hon. Mr. Clement:** Yes, we do.

**Mrs. Campbell:** This is what I wanted to know. In that case then, would she have a claim only for that portion of what she put out in money's worth in educating him? Would she have any claim over any matrimonial home she gave up during that time? This is the kind of problem a judge will face. It's not going to be a simple answer or a simple position, because she's going to have contributed in various areas of that marriage. The husband is also in the same position.

This is why it's so important that you have some kind of guidelines, or else she is prob-

ably going to end up as some poor servant in the relationship, and not as a partner to the marriage in any real sense. I would like to hear the minister on that point.

**Hon. Mr. Clement:** The proposed legislation is not to construe by statute the relationship of economic partnership to the parties to a marriage.

**Mrs. Campbell:** That's the problem with it.

**Hon. Mr. Clement:** That's right; only in this sense, if we decide that an economic partnership shall exist for all of the assets, then we should say so, if we want community property; I suppose we're saying it in a different sense, 50-50 that's it.

**Mrs. Campbell:** There are other problems.

**Hon. Mr. Clement:** There are problems which we have discussed earlier. The member for St. George has wondered whether the young woman who marries the law student or medical student is going to have any interest in him. Let's just take a look at the section for a minute.

**Mrs. Campbell:** They didn't suggest she wouldn't have an interest in him.

**Hon. Mr. Clement:** I don't think you would, because you have to look at what is meant by the word property.

What is property? Property, I am advised, is certainly not defined in this Act and is not defined in the Interpretation Act. It may well be defined in certain other Acts for the purposes of those other specific Acts.

So a judge finds himself looking at this, referring to the common law decisions to see what has, in fact, been held to be property. I am advised that includes realty, moveables and so on; but it does not include a young man or a young woman who is a medical student.

I suppose there are cases that even would include a human being in the definition of property, but those probably antedated the abolition of slavery; so we won't deal with those today.

We're forgetting the part about there being an agreement to the contrary, because if there's an agreement to the contrary, well then we're not concerned about it.

All right. The judge who's adjudicating this section looks at subsection 2 first and says: "A married person has and shall be accorded legal capacity for all purposes and in all respects as if such a person were an unmarried person." He says: "I am not going to be

cowed by the interpretation of their lawful relationship of husband and wife so I will forget that. I don't have to look at that at all." Then he looks at subsection 3, and we forget about the agreement, so he says: "Where a husband or wife contributes work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a property in which the other has or had a property interest, they are really being dealt with as strangers." The reason that is there is so that again we are not misled by the relationship of husband and wife and so on. The wife, if she was the one making the claim under that system, I think, would have to demonstrate to the court that what she seeks to be recognized is, in fact, in law, a property. If it was a piece of real estate, a matrimonial home or something, that's trite, there is no problem, or a business.

**Mrs. Campbell:** Or a business?

**Hon. Mr. Clement:** Or a business. Or, I suppose, it could be a copyright held by the other spouse.

Or a claim for a car. Now what contribution was the woman made to that home if she was driving that side—or it could be the reverse. It could be the wife's home; what contribution has the husband made to the home? Did he build a porch on it? Did he ever put the roof on the house? Did he paint it?

I don't mean those routine things when he went out and shovelled the snow every winter. I don't think the court is going to pay any attention to that, but did he make a donation in the form of money or work or money's worth and all those things set out for the management of the home; for the maintenance of the home; for the improvement; for the operation of it. I think he is going to have to show more than just saying, "I used to pick the litter off the lawn as I walked up each night from work and I want to be recompensed for that." I don't think the court is going to pay any attention to that.

The court wants to see a positive donation of one of those things set forth in order that the asset still remains there.

It does not matter, of course, whether it is there at the time the matter is before the court or something acquired beforehand and disposed of beforehand. Say the person had really contributed nothing; say the husband had really contributed nothing and it was an asset the wife acquired prior to her marriage. Why should he get anything? Because what we are really talking about, which seems so

difficult to accept in the Murdoch decision, is that someone has been prejudiced. Mrs. Murdoch was prejudiced. She gave all these years of her life and the effort to make the business a success and got nothing out of it.

**Mr. R. Haggerty (Welland South):** Isn't any home a business?

**Hon. Mr. Clement:** I beg your pardon?

**Mr. Haggerty:** Any home is a business.

**Hon. Mr. Clement:** Well, all right. It is still covered here so it doesn't matter. You take the view it's a business. I don't know what you do at your house, but in any event it's a property and it meets the test.

The husband in my example contributed nothing, he didn't paint it; he didn't roof it; he didn't put a verandah on it. He didn't do anything more than, as I say, the routine things—put the ashes out and this sort of thing. It ends up that he has no interest in the home or is so found by the judge. How has he really been prejudiced? Because he didn't put anything to it?

Let's talk about strangers; and that makes it a little better. Perhaps it's a very apt type of thing, because maybe this is the reason the matrimonial relationship has been destroyed.

You have a business and a stranger to come in blind comes along and you are going to sell your farm. We will say there's the Haggerty farm and you decide to sell it and a fellow says, "You are selling your farm. I think you owe me \$3,000." You say, "What for?" He says, "When you were sick last winter, I used to bring the mail up to the house from down there at the corner". You say, "Come on?" The guy says, "I am telling you I want some money out of your farm. I hear you are making a profit and I want some money."

Do you know what you are going to say? "Then sue me. You demonstrate to the court that you contributed something to that farm." If you have a case in that sense, as a stranger, then of course the same thing would apply in the marriage relationship. So you have really to equate it—would a stranger doing the same thing as this person did, a stranger in blood, be entitled to share—

**Mr. Haggerty:** You are gasping for thin air now.

**Hon. Mr. Clement:** —in the disposition of that asset? You see now, business partnerships are a little different because there already is



a law dealing with business partnerships, the Partnerships Act, which says that in the absence of an agreement to the contrary—if there is nothing to the contrary—then business partners shall be deemed to own equal shares. It is set right out in the Act, and that's another type of thing.

I don't think that many people going into the marriage relationship, certainly for the first time, will probably have agreements to the contrary. I think they are a bit of a rarity. I have drawn them, but it has always been when one or both of the parties are going into the relationship for the second time and really want to preserve what they have out of their first marriage, usually for the progeny of that first marriage. Each looks after his or her own.

Businesses are the same way. Most people who go into businesses in partnership put their arm around each other as they are in the lawyer's office—if they ever get there—and say: "We don't need anything because old Charlie and I grew up together, we went all through school, and nothing will ever break up good old Charlie and I." The law recognizes that and says: "Okay, when you don't have an agreement then here are the ground rules, you and Charlie are going to be 50-50 partners."

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Never has been a love as great as ours.

**Hon. Mr. Clement:** But you never see it happen a second time around in a partnership, I can tell you. You can hardly get them to sign the agreement because they are so leery—I am talking about a business partnership now, not a marriage one—they are so leery if they have been once stung, because good old Charlie often takes off with the bank account, the accounts receivable and anything else, and then the light goes on.

I think people should have that opportunity to not be compelled to go into a partnership agreement in writing. I don't think we should be forcing people into these things, because we are just forcing them to do something they don't want. Experience has certainly taught me that people who go into any kind of a partnership would be well advised to have what they really intended at the time reduced into something in writing, because memories do dim, interpretations do vary, and one should always spell out what his or her intentions are, certainly in a business relationship; and perhaps, why not, in a marital relationship. But it doesn't matter;

we can make it compulsory that people have such agreements and it simply is not going to be effective because people won't do anything about it.

So what I am really saying to the member for St. George is that he or she who alleges an interest in a property will have to prove that they have an interest in it, that they have made a contribution, through one of these things set out, to the enhancement, management, operation and so on, of that particular piece of property.

**Mr. Renwick:** Mr. Chairman, unfortunately I have to leave in a few minutes and I want to make just one further point about this, and I want to express this as my ultimate scepticism about this section of the bill.

As I ruminated on this bill more and more, I began to realize that it doesn't deal with the marital home situation and my confusion about the matter. The minister will recall at the beginning of today's session on this bill I raised the question; indeed, when we come to the section that repeals all of the other sections of the Married Women's Property Act, except section 12, there is a specific statement in the explanatory note that the question of the interest of husband and wife in marital property is not dealt with in this bill.

Then the minister explained to me the change from Bill 117 to Bill 75, and I began to assess that the language of the section that we are talking about—that is, item (c) of subsection 3 of section 1 of the bill—in the use of the term "property" and the elimination of the words "business including farming," is broad enough to do it.

I think we're in agreement that this is an attempt to legislate the dissenting judgement of Mr. Justice Laskin into law in the Province of Ontario. I think we're agreed about that. Then one looks always at what the judge said.

Mr. Justice Laskin said this—and I want to repeat a portion of what he said and then include another portion of it.

No doubt, legislative action may be the better way to lay down policies and prescribe conditions under which and the extent to which spouses should share in property acquired by either or both during the marriage.

I interpolate, this bill doesn't do that. Somewhere along the line, you're going to have to do it.

**Hon. Mr. Clement:** That's right.

**Mr. Renwick:** To continue:

But the better way is not the only way and if the exercise of a traditional jurisdiction by the courts can conduce to equitable sharing, it should not be withheld merely because difficulties in particular cases and the making of distinctions may result in a slower and perhaps more painful evolution of principle.

Well, I would interpolate again that what you are legislating into existence is a slower and perhaps more painful evolution of principle unless you deal with it by legislation.

Then he goes on:

A court with equitable jurisdiction is on solid ground in translating into money's worth a contribution of labour by one spouse or the acquisition of property taken in the name of the other, especially when such labour is not simply housekeeping which might be said to be merely a reflection of the marriage bond.

I emphasize those last words of that section. Mr. Justice Laskin is saying that this isn't the housekeeping marriage situation—the bringing up of children, the contribution to the home. This isn't what Mr. Justice Laskin is dealing with. I emphasize the words: "... especially when such labour is not simply housekeeping which might be said to be merely a reflection of the marriage bond." Then he goes on: "It is unnecessary in such a situation to invoke present-day thinking as to the co-equality of the spouses. . . ." I repeat: "It is unnecessary in such a situation to invoke present-day thinking"—not law, but thinking, attitudes of present-day reflection upon the equality of spouses.

It is unnecessary in such a situation [that is, the situation with which he is dealing] to invoke present-day thinking as to the co-equality of the spouses to support an apportionment in favour of the wife. It can be grounded on known principles whose adaptability has in other situations been certified by this court.

So he is saying: "I'm dealing with it not because they're spouses, not because they're spouses at all." And to emphasize what I'm saying, he himself goes on to say: "This court is not being asked in this case to declare an interest in the appellant merely because she is a wife and a mother." And then he goes on: "Nor is there any implicit plea for community of property regime to be introduced by judicial fiat," and so on and so forth.

If one reads those two paragraphs at page 385 of the Supreme Court of Canada reports on the Murdoch case in 41 Dominion Law

Reports, third edition, at page 385, you will see the one sentence and the one clause by which Mr. Justice Laskin says: "I am not dealing with a marital situation." I repeat the one clause: "... especially when such labour is not simply housekeeping which might be said to be merely a reflection of the marriage bond;" and the next portion of the sentence: "It is unnecessary in such a situation to invoke present-day thinking as to the co-equality of the spouses."

Then he goes on to say: "This court is not being asked in this case to declare an interest in the appellant merely because she is a wife and mother."

When I said that this is my ultimate scepticism about the clause which you have inserted, I find it difficult to think that we are in item (c) of subsection 3 of section 1 dealing with An Act to reform certain Laws founded upon Marital or Family Relationships.

I think if one reads Mr. Justice Laskin in entirety with what he tried to say and his striving under the doctrine of constructive trust and the doctrine of unjust enrichment, one will see that he was not dealing with that relationship. The strange thing and the strange scepticism which I have about it is that, in the negative way it is expressed, this leaves it entirely open to the court in the Province of Ontario, should a question come up requiring this kind of decision, not with respect to some business venture that they've been involved in or some farming operation, or as it was in the Murdoch case a ranching operation, but the simple, normal, everyday, type of marital relationship where the partners to it, one way or another, apportion the chores of the married life and the earnings of enough money for the family unit or the marital unit to survive and the investment of whatever surplus there may be, the development of some kind of economic equity in their assets, either through their own efforts or through the dollar appreciation of the assets which they acquire, such as has taken place recently.

I would think that a court would be in a position today, reading carefully what was said, simply to say that the negative expression in item (c) of subsection 3 of legislating into law Mr. Justice Laskin's dissenting opinion on the most constrained basis possible was not an endeavour by this Legislature to deal with the marital relationship.

If that's so, if there is any validity to the proposition which I put, because of what Mr. Justice Laskin said, I want to emphasize to the ministry that they have simply got to deal with the everyday marital relationship. They've got to deal with it on the assumption



I that whatever the accounting is for assets brought into the marriage relationship, or whatever the accounting must be for assets which one or the other spouse may inherit through their family during the course of the marriage relationship, or whatever the disposition may be at the time of death, which can be covered by a will or by the Devolution of Estates Act, within that general framework the spouses have got to understand that the economic equity which they are building up over the course of their married relationship or the economic liabilities that they are incurring during those relationships are presumed to be in law 50-50.

If they want to bury it or get their own independent advice or go and do whatever else they want to do, that is fine. But the regular type of marriage—the one which covers most of the cases—should not hinge upon in whose name the property is held, whether it is under a deed to uses, whether it's a joint tenancy or a tenancy in common or whether all the assets are invested in one person's name.

Those things within the kind of relationship which we want to deal with have got to be treated as though they were irrelevant, so that the question doesn't arise. "Do we take the house in joint names?", or, "Do we take it in one person's name?", or, "Do we take it in the other person's name?", or, "Which one is it?", or, "Should it be a deed to uses or any of the innumerable proprietary schemes?"

I come back to what I say, that the more one explores with the minister, the more one thinks about what is said by Mr. Justice Laskin and the more one believes that one should be very sceptical about thinking that this section deals at all with the marital relationship in the marriage sense. I think the arguments or the submissions which I made on this clause are sufficient to indicate that my scepticism is well founded.

**Mr. Chairman:** Does the minister wish to reply?

**Hon. Mr. Clement:** I want to make it clear to the members of the House that at no time do I take the position that subsection 3 is dealing with the marital relationship. I hope I've never made that statement to the House because I don't intend that it be made. The bill deals with property which happens to be owned by two people or which happens to have received contributions from two people who happen to be married; it doesn't mean the bill is designed to answer wholly the Murdoch case.

I think the member for Riverdale would agree that Mrs. Murdoch, if she had enjoyed the advantage of this type of legislation in the Province of Alberta, would have had some claim—

**Mrs. Campbell:** Some claim?

**Hon. Mr. Clement:** I don't know. She would have had some claim. She would have received a judgement for X number of dollars or thousands of dollars which she did not receive.

**Mr. Cassidy:** Like an unpaid farm hand.

**Hon. Mr. Clement:** The Act deals with many other relationships between people who, because they happen to be called man and wife, have certain barriers which have grown up over the years and it deals with that. It deals with prenatal injuries so it isn't just designed for one thing. It deals with a variety of family relationships which have had certain legal barriers raised because the parties to a certain matter happen to have been married to each other or related in blood to each other.

It's a step; as I said earlier when I introduced the bill, it's an ongoing process. This is not the end all and the be all. The supportive role of the parents of parties to a marriage is very important. We know that the matrimonial home, for example, is usually the biggest asset in the marriage. What do you do with that asset when there are those who have claims against it? The wife who makes some kind of contribution à la subsection 3; the children who have a right to be maintained if they are under a certain age or certain disabilities. Those things are going to be the subject of further legislation because I think this House will be dealing with legislation involving family relationships and interspousal relationships for a good number of years.

**Mrs. Campbell:** Mr. Chairman, I guess the only thing I can say at this point to add to anything which has gone before is that what you have here is a section which, in my view, has been introduced by people who really haven't been in the courts recently and certainly don't know the kinds of matters which come before the courts and the ways in which judges have to look at cases.

It's easy, perhaps, if it is the matrimonial home and you can find out what contribution the wife made, whether it was as babysitter, housekeeper, chauffeur, nurse or whatever, that's one thing; but where you have a marriage which lasts for a period of time, the kinds of things which go into it as contribu-



tions may be going in as contributions to business or going into it as contributions to the matrimonial home. How is a judge going to work that out, except to take into consideration that perhaps this really wasn't intended to deal with business; perhaps it wasn't intended to deal with the matrimonial home but it was intended to try to deal with the problems of the Murdoch case and perhaps only applies to the farm? It is almost impossible really to work out from this clause exactly what a judge would look at in trying to assess the work or the value or the money's worth or whatever in this situation.

Like the member for Riverdale I have the same kind of cynicism about it. It's not good enough, from my point of view at least, to say we're going to deal with this in the fall again maybe and maybe we will straighten out some of the bad features of this particular section.

As I said before, we are supporting this bill but it is with that kind of reluctance. Why is it that with all of the people available to this government to draft legislation we get such bad legislation coming through here for our consideration? In this case, I believe the fact is that you didn't really want to do anything to resolve these problems but rather you wanted to give an appearance of doing something. On this section, I have nothing further to say.

**Mr. Cassidy:** I would like to comment.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** Thank you. I just want to speak briefly, **Mr. Chairman. I won't speak** in general about the bill but about this particular section. I would like to take the minister up on his own ground. Before I do that, I am sure the minister realizes that I, like the rest of my party, dislike what is being done on this particular section. It is far too little; it is far too constrained.

The minister says that under this section with regard to the matrimonial home that this will give the wife an entitlement. I would like to raise that particular point with him because I think that the language of the section as drafted—and it is badly drafted—is ambiguous. Let me give you an example right now. All of us in politics who are males—most of us, in effect—can tell our wives to work in the home in order to allow us to practise politics. We have wives who participate in the management, maintenance, operation and improvement of the matrimonial home because, inevitably, most of us aren't there a lot of the time;

we are down here in Toronto. Is that the kind of function which is referred to in this particular section? I would like to know that from the minister? Or is it that the wife must demonstrate that she lifted a paint brush, wielded a hammer or did such things like that in order to qualify under this particular section?

If it is demonstrated that she did participate, is it on a basis of equality or should she get tradesmen rates, which are slightly higher than the rates earned by MPPs, or should she get rather lower rates, the rates that are paid to unskilled labour and to women for women's work, as has been mentioned, in the Province of Ontario? These kinds of things have not been spelled out by the minister. I think he might try and do it now.

**Hon. Mr. Clement:** I would prefer your latter interpretation of it. I think you are confusing the function of the party to a marriage in terms contrary to the terms of a contribution in kind, money's worth, money and all those things set out in subsection 3(c). This is the very point that your colleague, the member for Riverdale and I, were debating at great length on Friday last, as I recall the debate.

One cannot say: "All right, I painted the house and that took me so many hours." That's fine; that's a contribution of work. How do you contrast that to the wife who said: "I never did that sort of thing but I babysat the children within the house"? I say that the courts will take the interpretation that if there was a contribution made to the property—not as to what went on inside the property but to the property—the putting on of a roof, the painting of the side of the house, the attaching of a veranda and determine if that met the test in the Act as to the acquisition, the management, the maintenance, the operation or improvement. Looking after the baby in the house didn't improve the leaky roof. Washing the children or the dog doesn't really come into the maintenance of the property. I am not being facetious when I say this.

**Mr. Cassidy:** You sure sound it. You really do. Surely this is really discriminatory.

**Hon. Mr. Clement:** No, I am not being facetious. Do you want me to try to deal with what you asked? You put it on two basics. Is it the one or the other? I just earlier in detail, I thought, said to your colleague from Riverdale that the contribution has to be to the property—not to the relationship that exists within the property,

but to the property. That is the sort of thing that will be measured by the court on the application of the husband or on the application of the wife. It is just as simple as that. The contribution to the marriage relationship that the parties made within that house or that family unit will be dealt with, and is dealt with, in fact, each and every day in the family, county, district and Supreme Courts of this province.

Mrs. Murdoch, when she took her case, tried to have some financial recognition of the work done on that farm to make the farm a success; that's what she tried to get paid for and couldn't. She was really in the same role as the so-called housekeeper type of claim, where the person says: "I worked, believing that I would get some kind of reward at the end of the road." That's the kind of claim she made.

This bill tries to clarify all those red herrings which have been drawn across litigation for years, saying, "Well, the claims are a little different if the parties are married to each other." Because they are married, one cannot sue his wife, or a wife can't sue a husband, if one happens to be driving a car and the other has an injury. This bill deals with that sort of thing.

There is case law that has been on the books for literally hundreds of years saying a person could not sue for an injury that one received before birth because at the time of the suffering of the injury you weren't a person in law, and this is really the state we found ourselves in here in Ontario until we were suddenly awakened with the Thalidomide situation which occurred probably 12 or 15 years ago. We have clarified that in the bill.

So I want to make it perfectly clear that I have at no time come forward and said this bill is a constitution for married women of this province. It deals with many facets of family relationships in dealing with family rights—interspousal and between parent and child and so on.

Now, we have the supportive study and the recommendations completed by the Canadian Law Reform Commission. We are presently assessing those, looking at them and going on to the next stage, which may or may not—I don't even know at this stage of the game—deal specifically with the matrimonial home as a separate unit, and take it out of here and put "except when dealing with the matrimonial home," and give it its own section or its own Act, but you can't just bring all these things together because of the very involved nature of a marriage

relationship. There are many facets which had to be examined and brought up to date and that's exactly what we are doing. I have said it 10 times in the last two or three days here; it's an ongoing process and this is the first step.

**Mr. Cassidy:** Part of the full maintenance of an office building, without which it becomes impossible to rent it, is the washing and waxing of the floors, the cleaning of the windows, opening the door for workmen coming in to do particular kinds of work and supervising the work to make sure that they keep time and do the work as required. If a wife performs those functions—that is, she washes the floors, waxes them, cleans the windows and lets workmen in and out and supervises them—could that qualify under this section in order to give her a claim on the matrimonial home, and if so, what kind of a claim?

**Hon. Mr. Clement:** To me it would seem logical that that was part of the maintenance of the home and may well be considered by the judge when it comes to this problem.

**Mrs. Campbell:** It is only if she puts the roof on.

**Hon. Mr. Clement:** Oh, no, it isn't restricted—don't interpret me literally. You know, I can just see it in the papers tomorrow: "In order for wife to claim, must put roof on house." Please, I don't mean that. I use that as an example. If she was involved in the maintenance—that's why you mentioned the paint brush—yes, if she painted, I would think that would be in the maintenance of the home. I would think—

**Mrs. Campbell:** It might not.

**Hon. Mr. Clement:**—that very well might be. If she decided she wanted to paint because she wanted psychedelic colours all over the outside of her house, there might be a dispute on that, but it's conjecture here in this assembly at this time.

**Mr. Cassidy:** Since the matrimonial home is the major piece of property which we are talking about, this is another area where this whole thing is so desperately unfair. The wife's major claim may well in fact amount to those normal maintenance activities, and then, given the fact that there are often disputes between husband and wife in these cases anyway, does the wife have to come in and say: "Well, over the last 15 years I have spent an average of 15 hours a week dusting and cleaning and waxing.



Of that time, so much was devoted to the furniture and the fittings of the house, which doesn't count, and so much was devoted to the fabric of the house, which does count. On these particular five occasions I devoted these many hours to painting." It is a ridiculous kind of way of treating it, and this is why we are so upset with your proceeding—

**Hon. Mr. Clement:** Tell me what you suggest.

**Mr. Cassidy:** The member for Riverdale has already suggested that the rule should be a basic splitting of the matrimonial property. The question that you raised about the rare exceptions—I am not sure in my mind whether a judge should have the power to vary the basic 50-50 split under exceptional circumstances. Quite possibly he should. But you are taking the exceptional cases and saying that because those exceptional cases exist, therefore no wife or husband shall be able to benefit from a basic equality of property.

What we are saying is that there should be a basic equality of property and then we should discuss whether or not there should be exceptions that would be adjudicated by the judge. That's a pretty fundamental difference, it seems to me. But I think that you should be able to make that step now, since the matrimonial property is the major part of the property. If you wanted to start off with the matrimonial property and then look into matters of the business and things like that, that is a possible series of steps. But this is so retrograde as to be completely useless.

**Hon. Mr. Clement:** All right. Thank you for your confidence, which is always expressed in your usual diplomatic style. I just tell you this: You can't just draw the 50-50 line and say that is what the law of the province is going to be tomorrow, and we will let the odd exceptional case fall by the wayside.

**Mr. Cassidy:** No. You have got the courts for that.

**Hon. Mr. Clement:** Because if you are talking about the wife maintaining the home in terms of waxing and cleaning—to me that would be perfectly logical that that certainly contributed to the maintenance of the home and the upkeep.

I just say that I would have more confidence in a judge making a judgement call on hearing the evidence than I would on a judge being forced to make a call that really

doesn't take any of his judgement on a 50-50 slice right down the centre on the basis that this was equity, because it may well not be.

Here is what is going to happen. In the first place, we are talking about an asset, the matrimonial home, that is registered we will say in the husband's name. Because if it is registered in both their names, they are not going to get into this hassle too much. Or if it is in her name, why is she going to bother going to court?

So, now they have a piece of matrimonial home or a piece of real estate on which their matrimonial home is located and registered in his name, and she wants to have a claim on that home. She may well base her claim on the fact that she made a contribution in the form of waxing and cleaning and the sort of things we have been discussing. He equally might say, "I contributed the same amount of time; I maintained it. While she was waxing I was painting; I was cutting the grass; I was keeping it up."

At the conclusion of that, the judge may well come to the impression that they both worked pretty well equally on this thing, and he may well say 50-50; and that's fine. But I think the court should have the discretion.

You are saying that we in here are wiser than the courts in making these calls. And this is where you and I lock horns, because I don't think that we are. We are talking in generalities more or less in here; while the court is dealing in individual, specific Mrs. Murdochs and Mr. Murdochs, who are standing before them. And the circumstances just don't fall into different prearranged buckets. It is different because you are dealing with people, and all people are different.

**Mr. Cassidy:** The courts are essentially conservative, Mr. Chairman. In a very cautious kind of sense they are going to say: "Here is a \$50,000 home which is in his name, the husband's name—he owns it. Now what are the mitigating circumstances, since we don't have to treat them as being husband and wife, under which she should have a claim?" The mitigating circumstances are that she has, over the last few years, contributed 15 hours a week of dusting, waxing and polishing.

Then the court will go on and say: "But that kind of work has only been worth about \$2 an hour, or \$30 a week; and much of that was offset by the fact that he cut the grass and painted the eaves. Anyway, they shared it and she had the benefit of it. Therefore, we will give her \$5,000 for her share. Be-



cause, essentially, he owns it and she just has a little piece of it because of some work that she may have done to it; and that's all." Whereas, what you ought to be doing is saying the basic shares are 50-50; if the house is paid for, that is \$25,000 apiece.

Now, under mitigating circumstances, he was a ne'er-do-well who never did a damn thing around the place. She essentially paid the mortgage out of her egg money. Or on the other hand, she was a ne'er-do-well who never did anything around the place, was a wastrel, was seldom around the place, left him all the responsibilities of paying, looking after, doing everything else connected with the house, and the other marital obligations.

Therefore the 50-50 rule is not particularly fair in that case. Although the basic rule is 50-50, it was a marriage that was barely consummated. It was a six-month thing. She was in and out of his life in that period of time and no more, or vice versa.

Those are the kinds of mitigating circumstances I am sure the courts can look at quite fairly. But, if you side with property first, you will not be fair to the women who are almost invariably discriminated against in these cases.

**Hon. Mr. Clement:** Mr. Chairman, one thing the hon. member is, I think, overlooking, and probably it's the most critical issue before us, is the children of the marriage.

**Mr. Bounsall:** Oh, again.

**Hon. Mr. Clement:** What about the children of the marriage? Forget mom and dad and waxing and washing. Who is going to look after them? Invariably the matrimonial home is the major assets of a marriage. Maybe there should be some looking in the door on behalf of the children. Forget about mom and dad for a moment. Presumably they are free, white and 21, and can look after themselves.

**Mrs. Campbell:** They don't even look after that.

**Mr. Cassidy:** The courts don't look after that now.

**Hon. Mr. Clement:** No, but that's why you cannot just draw a line down the centre and say 50-50 is it.

**Mr. Bounsall:** You don't want to, that's all.

**Hon. Mr. Clement:** You have to see how the supportive role of the parent is fitted into this thing to deal with likely the most major asset in the marriage. That's why we have to have the recommendations of the Ontario Law Reform Commission.

**Mrs. Campbell:** You don't.

**Hon. Mr. Clement:** We have them. We had them within a day or two after we introduced the bill. We are studying them now. You cannot look at these things piecemeal as you have suggested. I say that with the greatest of respect.

**Mrs. Campbell:** You are—

**Mr. Bounsall:** You are responsible.

**Mr. Cassidy:** You are not the one who is looking after—

**Hon. Mr. Clement:** No, you cannot—

Interjections by hon. members.

**Hon. Mr. Clement:** You cannot draw your 50-50 line down the centre and say, "That's the matrimonial home out of the way. Let's go on to the family business." You may run into the situation where the family business is much more substantial than the matrimonial home. I say you have to look at it all. This is the first step.

**Mr. Cassidy:** You guys are unbelievable. The sexism that comes through your party stops you from looking at any particular case.

**Mr. Chairman:** Order.

**Hon. Mr. Clement:** Mr. Chairman, with the greatest of respect, I am trying seriously to debate this thing. The member for Ottawa Centre somehow takes exception, or takes the idea he has everything garnered in his own camp. I am willing to listen—

**Mr. Bounsall:** He is not saying anything that isn't true.

**Hon. Mr. Clement:** —to suggestions, but I tell you we have thought these things over. I am not saying we have the corner on brains. I just point out that you may create a worse problem by drawing the line down the centre.

**Hon. Mr. Grossman:** It just happens that way.

**Mr. Cassidy:** Try.

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** Mr. Chairman, I find the minister's comments, as he tries to defend what he has written in subsection 3(c) contradictory, to say the least. I don't know whether the minister has not come to grips with this legislation or, in fact, has, and is trying to defend the particular piece of

legislation which the government has foisted on him. Whenever they get close to delineating the difference between what we in the opposition and in this party see in this bill and what you have in this bill, you start bringing in the red herrings about how you can't do anything in this particular sense, because the kiddies are going to have to be involved in the discussion of section 1(3)(c), and so on, and so forth.

**Hon. Mr. Clement:** With a matrimonial home, specifically.

**Mr. Bounsall:** They don't need to be involved in the terms of how the property, upon the dissolution of a marriage, should be divided. The minister has talked on, and on. Whenever we get close, he changes ground.

Let me say, at this point, apart from the general principle of equal sharing, and equal division, what bothers me most is the minister saying, when he gets caught, "This is going to be the first of a series of steps. This is going to be an ongoing process. There are going to be changes in this area with time," and you imply fairly soon. You are going to keep the whole situation of marital and family relationships in the division of property upon the dissolution of that marriage completely up in the air until you get definitive legislation.

If this is supposed to be the first step of a series of ongoing steps, what this in essence does is stopper any decision until the next step comes. And that won't be a definitive step. It will be as wishy-washy as the wording in section 1(3)(c) again, and that will prevent any definitive decisions being arrived at or decisions based on what is very inadequate and unclear wording in the bill.

The minister gets up and he says what he feels may well happen. The minister comes close to saying, or in fact says, that he thinks it may be reasonable in a division of property upon the dissolution that it should be 50-50. We say this is what it should be, but the minister starts bringing in various items such as not wanting to get into counting baby-sitting. It is the minister who has got into that counting by not making it clear that there should be an equal division. Whenever we get him to the point where he seems to realize that, he says: "Hold it now. I can think of an extenuating circumstance in which that equal division should not apply."

You can write an extenuation circumstances clause into the bill, into this very section that should be dealing with 50-50 division, to take care of the one spouse who gets clobbered in a car accident and lives on for

years in a state that they can't contribute to anything or who is a vegetable. That would be taken by any court to fall under the category of extenuating circumstance. But write that extenuating circumstance phrase into the very bill to allow for that and you then proceed to have your 50-50 division.

The bill, I might say at this point, Mr. Chairman, has in its very title marital and family relationships, yet the minister stands up here no more than 10 minutes ago and says we can't get into those relationships that are occurring inside the piece of property. Then what the heck is this name doing on this bill at all in this form? You are not coming to grips at all with marital or family relationships as is in the title in this bill. You are not coming to grips either with how the division of the property should equitably be made. I intend to have a few more remarks on this section, Mr. Chairman, after I put the amendment which I would like to make.

**Mr. Bounsall moves that section 1(3)(c), be amended by adding thereto:**

In the absence of extreme and extenuating circumstances, the division of assets and property shall be 50-50 between the spouse and the valuation period shall include one year immediately prior to the commencement of an action for nullity or divorce.

**Mrs. Campbell:** Mr. Chairman, would it be possible for us to get a copy of it? I'm not following what it is.

**Mr. Bounsall:** I'll give you my copy.

**Mrs. Campbell:** Thank you.

**Mr. Chairman:** Does the member for Windsor West want to speak on the amendment before it is put?

**Mr. Bounsall:** Yes, Mr. Chairman. I would hope that the members of this House and the minister, if he's being at all serious about reaching a satisfactory conclusion which will stand for some time in this area about the division of property, would accept this amendment.

The minister talks about the extenuating circumstances. The amendment includes the extreme and extenuating circumstances which the minister has talked about which allow the judge to use his discretion, if it can be argued and proven to his satisfaction that there are extenuating circumstances that would and should not permit the 50-50 division between the spouses for all assets and property.

Anything short of a 50-50 division, except for these extenuating circumstances, means that you are going to get into the very thing which you accuse us, through your examples, of our proposing and your not wanting to get into: That is, what contribution to the marital and family relationship should be given to the babysitting, to the taking of messages at home or to the supervision of work that is performed around that marital home.

What you are really saying, by not spelling it out as a 50-50 division, is that the woman is always going to have to prove an actual money or money's-worth contribution to that particular home in which they live, let alone the other property and assets which they have acquired jointly between them, before it's going to be considered at all. Every other contribution of hers goes for naught.

You've made it very, very clear in your remarks that the normal working around that home—that is, babysitting the children; and you can extend that on into cooking of the meals, the washing and so on—doesn't add one whit of value to the property which one defines as the marital home. You've made it very clear that that is not going to be taken into account by the courts, as you see it, in this totalling of the assets.

In terms of family relationships, this is where your party and our party differ with respect to how the woman in particular in that relationship should be treated. By saying "the woman in particular," I am not implying that there aren't instances where it is the man who stays home. I know of one case where a friend of mine—

**Hon. Mr. Grossman:** You are being sexist now.

**Mr. Bounsall:** —the man stays home and does exactly what is considered to be traditionally the role of the woman, while the woman is a department head in a high school and earns the kind of salary commensurate with that position. Very clearly, those roles are directly the reverse of the traditional ones.

But the general case we are speaking of is the traditional situation in which the woman is left in the home to do the washing of the clothes, the dog and the kids, to use your terms, and the cooking of the meals, and the babysitting of the dog and the children—and none of that effectively can be taken into account in any division of that property because she has not wielded

a paint brush or supervised the wielding of the paint brush.

That is the kind of contribution which should be recognized and can only be recognized effectively by putting right in the bill that there should be a 50-50 division of that property upon dissolution. This is the principle we would like to see and that I put forward in the amendment. If you want to make it clearer by saying it's the property and assets that they in their separate legal personality have acquired since marriage, that would be quite acceptable too, but in order that it be clear in section 1(3)(c) that we are talking about a 50-50 division, then this is the wording which would cover that.

I have added an additional phrase at the end to the effect—I don't have my copy now at the moment—

**Mrs. Campbell:** Evaluation period.

**Mr. Bounsall:** Yes. I am concerned, in terms of assets and property, that if one is contemplating this beforehand that, upon the dissolution of marriage, one can in fact convert one's assets to cash or take one's cash assets and in fact give them away to a third party prior to the commencement of the action for a divorce.

I think that we must have in this section, which talks about a 50-50 division, some safeguard to protect for the spouse who is not wanting to leave the marriage what would be joint assets of the two of them upon dissolution. There must be a safeguard against some of those assets being given away to a third party. So if you have a year prior to when the action commences, those assets and property held during that year would be brought into the division. This is at least some sort of a safeguard against the complete giving away of assets and property to a third party.

I say to the minister through you, Mr. Chairman, that as I have sat here and listened, to virtually every objection or every point we bring up, the minister has another point which does not directly speak to the problem proposed by section 1(3)(c)—that problem being what is a fair division of property. The only way we can see a fair division of property is for that property which has been acquired to be divided into their separate legal identities. We have no argument with you on the community of property idea but upon dissolution those properties and assets should be divided equally.

Mr. Chairman, I suspect from his remarks there is no way in which the minister can or is willing to accept an amendment which



talks about the equal division of property upon the dissolution of a marriage. He has proved it by his statements time and time here. He gets into arguments such as we are really talking about community of property during a marriage and if we are going to split it equally after the dissolution. That's not what we are saying. I am going to make this very clear.

We have no argument with the first two subsections of the bill which talk about the legal separation while married but when there comes a dissolution, we are saying the assets, however acquired or in what proportions by either, should be divided equally between them because that is the only fair way. That is the only fair way of taking into account those other things such as the washing of the joint dog; such as the washing of the joint kids—

**Hon. Mr. Grossman:** Kids have to be joint.

**Mr. Bounsall:** —or any children which perhaps are not joint but which the other spouse has agreed to accept into his or her house. That's the only way that contribution can be recognized as being anything but absolutely zero.

Anything which the minister does not bring in to section 1(3)(c) to see that property division should be equal, simply means the minister is quite content to see decisions by the judiciary in this province come forward only on the basis of actually counting and actually putting a valuation on work associated directly with the property owned by either of the spouses in the marriage and takes not into account at all any of the services not related to property which either or both of the spouses contribute to that marriage situation, in spite of the bill purporting to be a bill dealing with marital and family relationships.

**Mr. Chairman:** Does any other member want to speak on the amendment prior to the minister?

**Mrs. Campbell:** Yes, Mr. Chairman.

**Mr. Chairman:** The member for St. George.

**Mrs. Campbell:** Mr. Chairman, I have some difficulties with this. I suppose I have to bring to bear my own experience in the law, such as it is, on this type of phraseology which is before us. I think it would be very difficult to test extreme extenuating circumstances and I don't know how it could be worded so that it would give assistance to the courts in trying to define what was

meant by them. I wonder whether perhaps the court is going to do that? That's the problem.

Certainly I would take the position that there ought to be an equal division and I have said it from the start. I think, however, and I would submit that this particular amendment does one of the things that bothered me. It seems to require apportionment, almost at the time of dissolution, if one looks at it from that point of view. That may not be in the best interests of either of the parties.

The evaluation period I now understand. I wasn't clear about it when I first read it. Certainly, with the principle that there has to be a basis upon which a court may find the contribution made by the partner who is not in the work force, or in the market place, and that of the spouse who is, in fact, there is one problem with this bill. Certainly, there ought to be an ability in the courts to make a 50-50 decision on the matter.

Perhaps, if the Attorney General in this particular bill had decided he would deal with the family relationships only—i.e., husband and wife relationships—then we wouldn't be in this kind of muddle trying to work out the clause as it relates to the matrimonial home. But, he has, in fact, muddled the waters, if I may put it that way, by introducing the parent/child relationship.

Again, by not clarifying, and not looking at it in depth, it does make it difficult for me as a lawyer to accept this clause. However I am inclined to accept it on the principle on which it is based in order to indicate how concerned I am with the wording as it stands.

As I said in opening, it is strange that this government, whenever it tries to come to grips with something of this nature, always makes the woman less equal than the male.

Let me give you another statute you have used this year. I gave you one in my opening. Take the child welfare legislation. That was amended to ensure there would be no ambiguity. That was amended to ensure either parent could have an order made against them, but you made it abundantly clear that, notwithstanding the woman's responsibility in that role, the religion of the child was still going to be the religion of the father.

You can't seem to come to grips with any kind of equality. You have to put the woman down in every possible relationship.

**Hon. Mr. Clement:** How can you do it the other way?

**Mrs. Campbell:** Why isn't it good for once to have the inequity on the other side of the fence?

**Mr. Bounsall:** If you have to have it.

**Mrs. Campbell:** Why do you have to work out so painfully equity for everybody else but the woman? What kind of statute of limitations will apply in these cases, when you think of the medical statute of limitations?

You've always got to turn the knife in her back. You have done it every time. You are doing it again here because you can see some inequity.

It is the same in the rape issues. We have been through that so often. It would be a terrible thing that an innocent man might suffer. It hasn't been terrible for centuries that innocent women have suffered without any recourse to law. This is your oneness. I don't know how you do it; I don't know how you overcome it. But, notwithstanding my concerns about the legality of this kind of a provision and its far-reaching effects, I am inclined to support it simply to indicate my concern for your lack of interest in any equity for women in this kind of legislation.

**Mr. Chairman:** Does anyone else wish to speak on the amendment?

**Mr. Bounsall:** If I could just have another word, I must admit I was influenced in adding the last clause of that amendment by something that does appear in section 1(3)(c). Would the minister at this time like to indicate what he specifically means in this bill—this is off the main point of my concern over this section—by adding “or had” to the “has” here in line five? Does this have anything to do with whatever way the judicial decision is to divide a property interest? Hopefully, the minister would see that it has to be 50-50 or he gets into all these problems—the 50-50 that I have proposed in my amendment.

But that aside, what is the “or had” that's added to the “has” in effect do? Are we into the whole game now of tracing property which has been owned and is now not owned? How do you propose to do this? This worries me because I can see a tremendous amount of work here in determining that.

All of the assets and all of the property acquired since marriage are being divided 50-50. I can see on top of having to determine the actual work or money's worth of work that the one spouse has contributed to

the property that there is the problem of tracing property which has been sold. Could the minister comment at some length or make it very clear to me just how one goes about this property which has been had in the past in terms of the judicial division of it or the judicial tracing of it to arrive at some sort of a division.

**Mr. Chairman:** Would anyone else like to speak on the amendment before the minister? If not, the hon. minister.

**Hon. Mr. Clement:** Mr. Chairman, the “has or had” is to prevent the person who ends up with the title of a piece of property in their name from disposing of it and saying: “Well, all right, sure I had a piece of property but I don't have it today, and today we are in court. I got rid of it last week. Prior to coming to court I disposed of it.” If we had the word “has”, that means current tense. The person could say: “I don't have any property now. I sold it a month ago and therefore it's dealt with. You have no jurisdiction because you can only deal with property that I own in the present tense.”

As far as tracing it goes, there is nothing unique about this in those matrimonial disputes, particularly where title ends up in the name of one spouse and the other one is attacking that type of arrangement. One traces usually the whole chronology of their identification with their opposite spouse and what ventures they went into trying to show a joint type of arrangement all the way through. There is nothing unusual about that at all.

The woman says: “When Bill and I got married, I had so much savings and he had so much and we bought a piece of property. We held it for four years and sold it at a profit. Then we bought a shoe store or a corner grocery store. We went on and on and finally we had our third home. I always understood Bill and I owned it until we split. Then I found out, lo and behold, it was in his name alone. I think I have a half interest in that house.”

That is the sort of thing. It is very, very common. The other side tries to say otherwise. Their evidence is always that some other type of arrangements existed. You run into this all the time.

**Mr. Bounsall:** Do I understand that there is no limitation in terms of a division in how far back one goes in tracing properties which one of them owned?

**Hon. Mr. Clement:** No, I don't think there is any limitation in the sense that counsel

for the husband, if we can keep it in this kind of a context, says: "She is telling about something that happened in 1928 and that doesn't count." It's an ongoing thing.

You used the proceeds of the 1928 sale to buy something in 1929. Then you developed that in the form of a business or a piece of real estate that you improve. Really you are ending up with 1975 dollars that originated back in those days. The person is trying to trace them all through to show the contribution that she made to the acquisition of the eventual asset which might be an apartment block or something of this kind. There is nothing unusual about it.

If you just had the word in there that the person "has", then they merely dispose of it prior to the trial of the action and they look the judge in the eye and say: "I haven't got it today and you can't deal with anything unless I've got it in the current sense."

With reference to your amendment, I want to make this perfectly clear. At this particular moment, I am not anti-50-50; I am not anti-female. I am not—I don't know what I'm not except one thing that I am—I'm very cautious about the approach we are taking to this thing until we've had a chance to look at the recommendations of the Law Reform Commission insofar as they relate to the supportive role of the parent. We may end up on the same wavelength six months from now.

**Mr. Bounsall:** But you have placed things in limbo by this clause and not making it clear.

**Hon. Mr. Clement:** No, we haven't; because if you are really concerned and say don't place it in limbo; leave them the way they are, you're going to turn right around and tell me in the next moment that simply isn't good enough because the Irene Murdochs of the world are not protected in Ontario today. And I'll agree with you.

**Mr. Bounsall:** I am saying six months from today should be the day.

**Hon. Mr. Clement:** Yes, you are saying six months from today should be the day. I tell you there is a little more to it than just the matrimonial home and Irene Murdoch. There are certain other considerations which have to be weighed, too.

**Mr. Bounsall:** That is what we have been saying.

**Hon. Mr. Clement:** Okay. Maybe we will be on the same wavelength and maybe you are much faster than we are. In the absence

of extreme extenuating circumstances—and I share the concerns of my friend from St. George; I realize the draftsman is not a solicitor nor professing to be one but it's difficult. A judge may come out and say: "I found extenuating circumstances but not in the degree of extremity I think should be or was the intention of the Legislature." You are making work for lawyers. You really are.

**Mr. Bounsall:** If you will accept it with the extreme out of it, we will accept it in that form.

**Hon. Mr. Clement:** Perhaps in a drafting way that would be right, "in extenuating circumstances." Okay. You are saying it is going to be 50-50 except—here are some of the practical things you are going to run into. You are going to run into some real problems here.

**Mr. Bounsall:** It is you who brought up the problem examples; you wouldn't take it on a straight 50-50.

**Hon. Mr. Clement:** I beg your pardon?

**Mr. Bounsall:** It is you who brought up the extenuating circumstances: It is you who will not accept a straight 50-50; and you quote the odd example. Now you are going to get up and quote the same examples as some proof of why you need extenuating circumstances there.

**Hon. Mr. Clement:** No, I am not. You start off with the proposition that a person is not entitled to any interest in another person's property unless they have made some contribution to the acquisition, maintenance or operation of that property. Right?

**Mr. Bounsall:** That is your assumption.

**Hon. Mr. Clement:** That is the law today. Your neighbour can't say to you when you move, "I cut your grass four years ago and I maintained your house." That's being facetious.

**Mrs. Campbell:** Neither can your wife.

**Mr. Bounsall:** My spouse is a bit different from my neighbour.

**Hon. Mr. Clement:** All right; neither can your wife today.

**Mr. Bounsall:** That is what should be changed.

**Hon. Mr. Clement:** That is what I am trying to change. I've been here for two



days trying to change it to say if she has made a contribution—or he has, if it is her property—by golly, they ought to be recompensed for the contribution they have made to the operation, acquisition and so on. That's all I'm trying to do.

That will apply not only to the matrimonial home, which is a piece of property, it will apply to the Murdoch type of business; it will apply to many things. To stop at that point and say: "That is it. Look what we've done for womanhood in Ontario" I agree is simply not going far enough. It's an ongoing thing.

Do you see what happens if you impose a 50-50 duty? You say 50-50 is the law of the province except in extenuating circumstances. You come to me some day when we are not members of this House and you want to take the business you operate and merge it with the one I operate. We are going to go into business together and maybe I think that might not be a bad idea. Then we decide that maybe we are going to sell the business we have created and go into something else or enlarge. Boy, you are going to have a hard time convincing me that your wife is going to agree to this. All of a sudden—

**Mr. Bounsall:** But that is what subsections 1 and 2 of section 1 of the bill does. It allows you and me to engage in that kind of operation without anything needing to be divided, from my point of view, as long as I continue to be married and you continue to be married. We go about doing, with our own legal personality, as I understand it, what I wish with my legal personality and you with yours.

**Hon. Mr. Clement:** Your perception is commendable. Then, in your amendment, you put the stringer back on.

**Mr. Bounsall:** No.

**Hon. Mr. Clement:** You do, because you tell me, in the absence of extenuating circumstances, the division of assets and property shall be 50-50 between the spouses.

**Mr. Bounsall:** That is right. Should there be a dissolution of that marriage, there is a property settlement at that end. This does not prevent you and I from entering into any business agreement that we wish.

**Hon. Mr. Clement:** All right, fine.

**Mr. Bounsall:** Neither your spouse nor my spouse have a say, because we each have our own legal personality, as do both our

spouses, in whatever business transaction we are doing.

**Hon. Mr. Clement:** Right, that is fine. Now you put up your \$10,000 and I put up mine, and then I say: "Okay, we are going into this venture which is going to last two years. I want some form of guarantee from you that you are not going to have a marriage breakdown, and a separation, within the next two years, because when we go to sell the assets your bride may say: "Uh uh, I don't want to deal with her I don't even know her. I know you. I trust you."

You see what you are doing. You are putting a string around. You are complicating the law of merchants. People won't go into partnership together unless they are celibates.

I would be afraid to go into a business. I would be afraid to practise law with somebody who is married because we might acquire assets for the firm, the photocopiers, the library, that are unique between he and I, and then he has a marriage breakdown. And I say to him: "Charlie, there's no sense continuing on. You've got so many personal problems, let's sell the practice."

Along comes somebody and says: "I'll buy it." I say: "That's good enough for me." He says: "Good enough." She says: "Uh uh, it's worth more than that because of the 50 per cent. It's 50-50, his share and mine. I have a voice in how you two fellows, who formerly were partners, are going to distribute your assets of the partnership."

I'm telling you, nobody would go into any type of business venture with anyone else unless they were out of their skull, or contracted themselves very carefully out of it if they could. It would be a step backwards.

You can recognize that, because you're a married person. Under subsections 1 and 2, like they say about women, they are femme seule, single woman.

You are not going to be fettered; you are not going to be fettered with this artificial covering called marriage that is going to disrupt in any way that sort of thing. That's good. Then you come along and you hang, whether I like it or not as your potential partner, you hang a ring around me. I may end up having to do business with your wife and I may not want to. You and I may get along just fine, and she is going to say: "No, Teddy Bounsall and I have split and I want a lot of money out of his share; not yours, Clement, his share of the business." That may delay the liquidation of the business.

I tell you it's a very regressive step. I can't accept it. I ask you to speak to your colleague from Riverdale about it, in terms of some of the impairments it could have. I mean community of property is such a failure; in the Province of Quebec everybody contracts out of it. All the law reform commissions, including the federal, have really recommended against it.

**Mr. Bounsall:** You said again and again, they are in agreement with section 1 and 2 of the bill.

**Hon. Mr. Clement:** Ah yes. If you have an agreement, naturally that's fine; but in Quebec most people do agree, I mean you get the situation where the husband to be from Toronto goes down to marry the girl from Quebec, or vice versa. They sign the agreement, but they are going to come back here to live because it may have ramifications on his assets and on hers.

One last thing, Mr. Chairman; the member for St. George felt badly that, under the Child Welfare Act, we had been somewhat prejudicial to the, and she used an example; the role of the child and the religion of the child. Up to the present time, the wife always took the husband's name.

**Mrs. Campbell:** Not always any more.

**Hon. Mr. Clement:** Not always any more. Up to 10 years ago, I think you would agree with me that the wife always took the husband's name. There is no legal obligation on her to do it, but it was for purposes of identification and purposes of property initially under the English common law. The child always took the father's name unless the child was bastard, in which case certainly the last name the father wanted the child to take was his. A child of an unmarried mother follows the mother's religion, and that's fair enough. If a child is not raised in the religion of a father but in another religion, the judge can declare the religion that the child is reared in is in fact the religion of the child.

I think the rule in the Child Welfare Act that the child takes the religion of the father is just a starting point in the absence of something else to the contrary and bearing in mind history. It is the same thing with domicile, which we were discussing here the other day, in the case of a married woman taking the domicile of her husband.

**Mrs. Campbell:** She still isn't a person.

**Hon. Mr. Clement:** These things come gradually. We are dealing with 200 or 300

years of background, legislation and custom. To change them all on June 23, 1975, is just a great problem.

**Mrs. Campbell:** The difficulty is the fact that it has taken 200 or 300 years, and with this kind of step at the end of 200 or 300 years one has no real assurance that it is going to be a meaningful progression. I think that is the problem.

Certainly I said there are some steps forward in this. But when you rule that a woman may have an order for support and the child takes the religion of the father, it's a putdown and you know it is. That's all I am saying.

**Mr. Chairman:** The hon. member for Windsor West.

**Hon. Mr. Grossman:** In the original faith, the child takes the religion of the mother.

**Mrs. Campbell:** That's true, but that might change.

**Mr. Bounsall:** In my opinion, in his reply the minister continues to muddy the waters to a point where I really don't know whether the minister has his thoughts cleared away or will do anything to protect the 12 or 14 lines he has here without any sort of change. The intent of my amendment was to talk about the 50-50 division.

It is the wording that he uses to achieve not only the Murdoch case, but in his own explanation the effort the wife is going to expend in applying paint to a matrimonial home. It is all covered very inadequately in this base. My amendment gets across the principle of the division, but I would be the first to recognize it would need more spelling out than my amendment does in terms of indicating what I would wish to see achieved inasmuch as I say these 12 lines do not do anything really to spell out what you appear to be trying to achieve.

What I would suggest, but have not in my amendment, is that anything acquired since marriage should be divided equally between them. One has a starting point and one has a point at which a divorce or a nullity occurs and the assets acquired jointly, or the appreciation of assets priorly owned, would be split 50-50. This does not mean that a business enterprise in which one spouse is acting would necessarily need to come close to dissolving because of a split of assets which that person and his spouse have acquired since marriage.

In fact, one could go on and say, if there is any doubt about the fact that a business



or a farming enterprise or what have you would survive because of that division, there could be a three-year period or a five-year period over which to pay that equal divisional split. This whole area needs to be spelled out.

This is what is wrong with section 1(3)(c); but what is perfectly clear with section 1(3)(c) from what the minister has said and what he is unwilling to do in terms of accepting the amendment is that whichever spouse is not involved in activities directly relating to the improvement, maintenance or management of property which the two spouses own—that is whichever spouse is involved in doing a lot of the things which pertain to a marriage relationship; that is washing the children and washing the dog; cooking the meals which the children and the other spouse eats; washing the clothes which the children and the other spouse wear—all of that contribution is for nought because it does not relate to the acquisition, management, maintenance or operation of any property which one or the other owns or which they own jointly. That is basically what is wrong with your whole concept of what this bill does.

**Mr. Chairman:** Does the member for Windsor West want this amendment stacked?

**Mr. Bounsall:** Yes.

**Hon. Mr. Grossman.** He wants to withdraw it?

**Mr. Bounsall:** Stacked.

**Mr. Chairman.** Section (d).

**Mr. Bounsall:** We'll have you here at 10:30 tonight.

**Mr. Chairman:** Subsection (d) of section 1(3). Any comments on this? Let's move to section 2.

Subsection 4? Carried.

On section 2:

**Mrs. Campbell:** I have to go back to this matter of domicile and I suppose it's equally fair. If you sit in a court in Ottawa in a marital case—in family court—you are very much aware of the way in which husbands take off for Hull or other points. The minister spoke of the matter of inheritance in dealing with the matter of domicile; I point out that I wonder what equity there is. It doesn't change anything in existence today. It simply continues the limitation of a woman in the right to inheritance, I suppose, like

anything else. If he happens to be in Quebec or in some other jurisdiction which does not permit her to inherit freely or to deal with an inheritance freely, I suppose that's okay.

This is the way this government looks at this kind of thing and we bring in all sorts of other outside considerations to say you mustn't move too quickly. I don't think anybody in his right mind is going to accuse this government of moving too quickly.

I have said what I had to say about domicile and I suppose we can continue this way. It was interesting, Mr. Chairman, one of the things that amused me and irritated me was that when I was the budget chief of the city of Toronto I had two certificates, none of which yielded me any great amount of money, but they were in two different names, Mrs. S. C. Campbell and Margaret Campbell. It was suggested that I should change them into one and I agreed, but when I got a letter asking me to have my husband's approval of this transaction, I decided they could keep it the way it was.

I don't think unless you have been through this kind of thing you really appreciate the humiliation many women have in dealing with matters in Quebec. Certainly I would like the minister to discuss, if he will, what the situation would be, in his opinion, in the matter of inheritance when the wife is deemed to be domiciled in the Province of Quebec because her husband is; and what he would propose should be done about such a situation in this century?

**Hon. Mr. Clement:** The laws of domicile, of course, when you first start studying them always seem peculiarly framed, because people tend to confuse domicile with residence. You find all kinds of peculiar situations, particularly during the war, when a Canadian serviceman from Toronto transferred to England—still domiciled in Ontario in law, but resident in England from 1939 to 1945—took upon himself an English war bride who had never been out of her home village and immediately on being pronounced man and wife by law recognized internationally, was domiciled in the Province of Ontario. People had difficulty in resolving this.

On her entry into Ontario, or even before leaving England, she may have found that he had been unfaithful to her and decided not to accompany him to Canada but to bring an action for divorce. She could only bring her action in the law of her husband's domicile, or in a court that her husband's domicile would recognize. You started those whole series of cases—most difficult.



But, again, I suppose there have to be some rules; there has to be some form of order. This may not be the best; but it's the one that at least most of us understand.

**Mrs. Campbell:** The federal government recognized it.

**Hon. Mr. Clement:** That's right.

**Mr. J. E. Stokes (Thunder Bay):** Why is the law so complicated?

**Hon. Mr. Grossman:** Because lawyers run it.

**Mrs. Campbell:** Because of people like this.

**Mr. Stokes:** Surely you, as the chief law officer of the Crown—

**Hon. Mr. Clement:** Because we want to put it in straightforward layman's language. When you do that sometimes there is difficulty, and if you don't, there is difficulty. So if I knew the answer to your question, I'd be glad to put it forward to you. It's just that people really put different emphasis on different situations and different words—each to their own degree of validity.

**Mr. Stokes:** Law is a battle of words, and you people are supposed to be meticulous grammarians.

**Hon. Mr. Grossman:** Who? Lawyers.

**Hon. Mr. Clement:** Litigation in this province and the common law countries is based on the adversary system, where one takes on the other. Two champions are fighting—all right?

**Hon. Mr. Grossman:** It sounds like a marriage.

**Hon. Mr. Clement:** It wasn't too many years ago in England that if you didn't want to fight your own battle, you could hire a champion. He'd come in with a great big cudgel and hit your opponent on the head. Now you hire a lawyer because, you see, we are civilized.

**Mr. Stokes:** There are two kinds of violence. There is a violence of words.

**Hon. Mr. Grossman:** The other guy gave you more value for your money.

**Hon. Mr. Clement:** The member for St. George—I don't intend to put words in her mouth, but I think she'll recognize why we must have the section we are now on, Mr. Chairman—that if you have it one way, you have got to have it the other. The section, of course, will remove that restraint on alienation of property. Now, insofar as the woman

dealing with the Province of Quebec goes—I don't really understand that. Are you telling me that in Quebec a woman cannot inherit under the civil code? I'm not familiar with that concept. I don't understand your question.

**Mrs. Campbell:** It is a question of dealing with that which she inherits—to be enabled to deal with it without consent. And in this case it would probably be almost impossible to get any consent.

**Hon. Mr. Clement:** That's right. I have heard a little bit about this; although I know very little about it. But she is considered to be—

**Mrs. Campbell:** She can't even sell a motor vehicle there without her husband's consent.

**Hon. Mr. Clement:** She has to have some kind of consent from him. I think there used to be a ploy—I don't know if it still exists—where you would put the car in your brother's name rather than your own, to get around this problem. Of course, everything was fine until your brother sold the car or gave it to his girl friend, and then you were after him. I don't know whether it was a six or two threes.

But I think that that sort of situation demonstrates what can happen when you community of property. Again, I'm not suggesting the member for Windsor West is suggesting community of property; but in a sense there is a blending and equal sharing in your proposal, which brought me to my feet a few minutes ago when dealing with the suggestion you made—which has now been stacked.

**Mr. Bounsall:** Mr. Chairman, on subsection 2 of section 2 on domicile, in my opening remarks in debate on second reading I had some remarks to say on this. Assuming those remarks were based on the assumption that in Ontario we would have the right or the power to change the domicile if we so saw fit. Am I correct, Mr. Minister, in this, that as far as divorce goes, as far as domicile would affect divorce, or affect the situation of which spouse deserted and which one didn't in terms of support, or as it might affect the divorce proceedings or the divorce settlement, these are federal divorce laws and that in Ontario we could have no effect one way or another through legislation on domicile, or are we hamstrung completely by the federal laws and federal interpretation in the divorce area?

**Hon. Mr. Clement:** The law of domicile is pretty well universally accepted through the common law world. The wife always takes the husband's domicile. That generally is the perception of domicile. We want to make it perfectly clear in this legislation, and that's why we specifically refer to it, that nothing in here is going to change that because we may end up adversely affecting domicile. We don't want to do that. We may not be happy with it the way it is but we know where we're at in it.

The divorce law in Canada is dealt with under the Divorce Act of 1968, which is a federal statute. And for the first time ever in Canada, with the enactment of that legislation in 1968, they said you can bring an action in Canada in a place where you've resided over the previous 12 months, I believe it was, and you weren't bound to bring it in the province of your husband's domicile. Previously, for example, say a married couple living in Ontario become involved in a terrible situation, the wife leaves and moves to Vancouver then, in due course, hears that her husband is living with somebody in Ontario, she files the evidence here and has to come all the way down here to launch her action, in effect—I'm overly simplifying it, but generally this is what happens—for whatever reason, so she could comply with the domicile law. She can now bring her action in Vancouver as long as she has been a resident there for 12 months and is domiciled.

A man's domicile can change too. You might have been born in Arabia and that might have been your father's domicile at the time of your birth, but circumstances change through your life and your domicile can change. So we didn't want to interfere with this bill, or if we tried to, it wouldn't be recognized by other jurisdictions in any event.

**Mr. Chairman:** Does subsection 2 carry? Carried.

Section 3 carried?

Section 3 agreed to.

**Mr. Chairman:** The member for St. George.

On section 4:

**Mrs. Campbell:** Yes. I really have some problems with this section—and I raised this before—on the matter of limitations of the action. Is this an action which can go on forever? Is the right inherent forever? Surely there would be some point at which the action would be barred, particularly when

you deal with the matter of the medical profession and if, for instance, it were the mother against whom the action was taken, she might have a claim over against the doctor which would be barred by the statute?

**Hon. Mr. Clement:** Excuse me, I am not ignoring you.

**Mrs. Campbell:** No.

**Hon. Mr. Clement:** I just want to get this clear with my staff.

**Mrs. Campbell:** I just wondered what provision there would be. The same thing, I suppose, would apply—I think most of these would be far more likely to be actions against the mother than against the father, I would suppose. It is strange there seems to be no provision anywhere for any limitation period for the right to bring such action.

I am not opposed to the child having the right. I never have been. I did say in opening, it seemed to me there should be a whole bill of rights for the child. They should be dealt with in a statute dealing with children, and not dragged in here in this way.

Section 3 simply gives the right without this entitlement. Now you have a recovery in specific terms for injuries incurred before birth. Is this to be interpreted for medical purposes, being namely the time at which the injured party realized a claim was available, or is it to go on for as long as the mother, for example, is in a position where she can be sued at any time as long as the child lives and she lives? I would like an answer to it.

**Hon. Mr. Clement:** I was having some difficulty understanding, and I hope the member doesn't think I was degrading what she was saying because it is a very good question.

All this does is confirm that the prenatal injuries suffered by someone are, in fact, recoverable by that person following his or her birth, subject always to those time limit periods that exist for a human being—put it that way—for the ordinary citizen about to recover in tort.

We have recently enlarged the time under the Highway Traffic Act, as you will recall, from 12 to 24 months. Let's take a woman who gives birth to a child three months after an accident. That child has suffered injuries because of the tort of the driver of the other car—

**Mrs. Campbell:** No.



**Hon. Mr. Clement:** We don't profess to deal here with the limitation periods. We just want to make it very clear so that the person isn't met with a defence: "Well, at the time of the injury, you weren't a person in law," and we get into all that argument. They have a specific right of action. They would bring their action within 24 months of the date of the injury.

**Mr. Campbell:** That would be through an accident. I am talking about the case of something which may have occurred for the reason that something the mother did prior to the birth of the child, or that the father did prior to the birth of the child, had, in fact, injured that child.

**Hon. Mr. Clement:** An assault?

**Mrs. Campbell:** It could be an assault; something of that nature: It could have been something a mother had taken by way of treatment that she didn't know was going to have that effect. The doctor is barred as of a certain time. The mother, I would think, would still be open. When would you a certain the right in such a case? That is the kind of case I think is open under this, and it gives me concern. The tort action in the normal case, of course, has its own limitations.

**Hon. Mr. Clement:** I think one would expect the child, the potential plaintiff, is going to be placed in no better position than the normal adult plaintiff. I would not, at this time, consider there should be any enlargement of time.

If you are talking about an assault, a personal injury of that nature, I forget the limitation, but I think it is two years for bringing an action for an assault. The child would, I suppose, have the right of recovery from the time the injury was inflicted.

That would count. I think what we are talking about is the time of *entre sa mere*; that would run against the youngster. I would think, just talking off the top of my head, that it probably would. There would be those who would argue it could only run from the time the injury was perceived or known. Of course, as I understand the law in the province today, I may have taken medication 20 years ago but now I find out even though I followed that doctor's advice, it was very serious and, in fact, could harm me. The period has gone by. Even though I have improved medically, I have suffered harm as a result of taking that prescription. I would have no right of recovery against the medical practitioner who advised that type of treatment.

I think you would find the same thing here. I would be inclined to think that the time would run against the infant from the time that the injury was inflicted, not from the time of its birth or the time that it was perceived, because the infant might be 10 years old before the damage was readily ascertainable. The infant today is met with those same kind of defences, and I can't see this section putting that type of potential plaintiff in a better position than the normal plaintiff is in today.

**Mrs. Campbell:** With this exception, Mr. Chairman: I recognize that so far as the medical profession is concerned, they have special protections; and notwithstanding our attempt to make it clear that the statute should run only from the time one knew of one's rights, that did not follow.

Here you have children who can claim against parents if you combine sections 3 and 4, but the child is really not in any position to claim at all because it doesn't know; you're not going to see an official guardian getting into the picture at that point, and the family is not going to say anything. To me, it leaves this situation wide open, with no one quite clear about what the rights are.

You say you're not enlarging the rights, but you have enlarged the rights in order to enable the action between the parent and child. That is an enlargement, is it not?

**Hon. Mr. Clement:** Yes.

**Mrs. Campbell:** All right. Then you follow with this particular clause 4. I would suggest strongly that either one makes it clear or doesn't make it clear that there either is or is not a statute of limitations. As I read this, there can be surely no statute of limitation if it amounts to something that has to do with some action which the mother has taken.

I can buy the suggestion that on an assault on the mother there is a limitation. But the mother is in a position to know she has been assaulted. Here is an infant injured prior to birth but with no knowledge whatsoever that a criminal act has been involved or a tortious act or whatever. It's the criminal aspect of the assault, as I understand it, that would have this kind of limitation, rather than the tortious portion of it.

Sections 4 to 9, inclusive, agreed to.

**Mr. Chairman:** I will now leave the chair and return at 8 o'clock, p.m. As you know, there is a vote that will be called immediately on our return, when we come to section 10.

It being 6 o'clock, p.m., the House took recess.



## CONTENTS

---

Monday, June 23, 1975

Ontario lottery, statement by Mr. Welch .....	3229
Wind energy studies, statement by Mr. Timbrell .....	3230
Nanticoke Planning Board, question of Mr. Beckett: Mr. R. F. Nixon .....	3231
Mercury pollution, question of Mr. W. Newman: Mr. R. F. Nixon .....	3232
Pickering airport, questions of Mr. Rhodes: Mr. R. F. Nixon, Mr. Sargent .....	3232
Bradley-Georgetown transmission corridor, questions of Mr. Timbrell: Mr. R. F. Nixon, Mr. Gaunt, Mr. Bullbrook .....	3233
Energy prices, questions of Mr. Timbrell: Mr. Lewis, Mr. MacDonald .....	3234
Auto insurance rates, questions of Mr. Handleman: Mr. Lewis, Mr. Stokes, Mr. Young, Mr. Foulds .....	3236
Basket production, question of Mr. Bennett: Mr. Lewis .....	3238
Court caseloads, question of Mr. Clement: Mr. Good .....	3238
Student summer employment, question of Mr. McKeough: Mr. Deans .....	3239
Registered surgical nurses, question of Mr. Miller: Mr. Bullbrook .....	3240
Official languages in schools, question of Mr. Wells: Mr. Samis .....	3241
Ontario lottery, question of Mr. Welch: Mr. Sargent .....	3241
Canadian Workers Union, question of Mr. MacBeth: Mr. Shulman .....	3243
Report, select committee on company law, on loan and trust corporations, Mr. W. Hodgson .....	3243
Labour Relations Amendment Act, (Bill 121) Mr. Samis, first reading .....	3244
Labour Relations Amendment Act, (Bill 122) Mr. Samis, first reading .....	3244
Family Law Reform Act, in committee .....	3245
Recess .....	3272





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, June 23, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 23, 1975

The House resumed at 8 o'clock, p.m.

## FAMILY LAW REFORM ACT (concluded)

**Mr. Chairman:** When I left the chair at 6 o'clock, p.m., Bill 75 up to section 9 was carried, with one amendment that was stacked at that time.

Section 10 agreed to.

**Mr. Chairman:** We now have one amendment, moved by Mr. Bounsall, that section 1(3)(c) be amended by adding thereto, "in the absence of extreme extenuating circumstances, the division of assets in property shall be 50-50 between the spouses. An evaluation period shall include one year immediately prior to the commencement of an action for a nullity or divorce."

The committee divided on Mr. Bounsall's amendment, which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 9, the "nays" are 38.

Section 1 agreed to.

Bill 75 reported.

**Mr. J. A. Renwick (Riverdale):** Could we say goodbye to the Attorney General (Mr. Clement)? We have seen too much of him in the last three months.

**Mr. E. J. Bounsall (Windsor West):** Surely he has another bill there?

## LIQUOR LICENCE ACT

House in committee on Bill 45, the Liquor Licence Act, 1975.

**Hon. S. B. Handleman (Minister of Consumer and Commercial Relations):** Mr. Chairman, Bill 45 was reprinted for consideration by the committee and distributed to the members.

**Mr. Renwick:** We'd like to say goodbye to the Attorney General. Bye-bye. Nice to see you go.

**Hon. Mr. Handleman:** The reprinted bill was distributed to the members last Thursday and with the concurrence of the members of the committee I would request that we deal with the bill as reprinted without the necessity of making amendments on it, clause by clause.

**Mr. Chairman:** Shall the reprinted bill be considered by the committee?

Agreed.

**Mr. Chairman:** Are there any comments or amendments to any section of the bill?

On section 1:

**Mr. H. Edighoffer (Perth):** Yes, Mr. Chairman, I would like to make a comment or two. Section 1, of course, pertains to definitions and I would like to say that I have received briefs from a number of groups. They have suggested that even though this bill was introduced two months ago they feel that probably with the draft code, which isn't complete at the moment, there should be some consideration to holding it off for some time, although I know the minister wants to get ahead because the Liquor Control Act is already passed.

I would like to have a comment from the minister regarding the draft code. It is quite a change. There were a great many definitions in the previous Act and the definitions under section 1 are very limited. I am thinking of one in particular—the definition of resort which is in the draft code. Does this mean that the riding of the chairman they have now will be considered a resort area if they have another ploughing match there in the near future?

**Hon. Mr. Handleman:** Mr. Chairman, the member is quite correct in that we do wish to proceed so that we can translate the draft code into a final set of regulations. He is also quite correct in that we have received many representations from individuals and groups. Some of those representations have been incorporated in the reprinted bill we have before the committee tonight and others have been put into a new draft code.

Those items which are unresolved after all

the representations are in—many of them are conflicting—will be put to the Liquor Advisory Committee which will be formed very shortly. Hopefully the members of that committee, who will represent all points of view on alcohol consumption and distribution in this province, will be able to come up with some kind of consensus to iron out the conflicting situations of the various groups. However, we would appreciate proceeding with the bill so that the regulations which, as the member has pointed out, contain many other definitions which are important to the bill, can be proceeded with and possibly proclaimed some time this summer.

**Mr. Chairman:** Any other inquiries on section 1 of the bill? Is section 1 carried?

**Mr. M. Cassidy (Ottawa Centre):** On section 1: Without an index, which is never provided in government legislation, I can't establish exactly what the provisions are relating to Ontario wine. The definition of Ontario wine relates only to wine that is produced from grapes and other similar kinds of things which are grown in Ontario. It does not, for example, include wine which is 'predominantly' produced from grapes or other fruits grown in Ontario. I wonder if the minister could elaborate a bit on that and whether there has been any to and fro between the Ontario vintners and the ministry about that subject?

**Hon. Mr. Handleman:** Mr. Chairman, of course, there is no change in the definition as it is contained in this bill from the previous one. There was, as the member may recollect, a short-term one-year provision for the use of concentrates at a time when there was a shortage of Ontario grapes. That time has passed.

I have discussed it with the grapegrowers' marketing agency and with the wineries and they are agreed that this definition shall remain.

**Mr. Cassidy:** In the debate a number of us, I think, were ambivalent. On the one hand, it makes sense to have a wine industry based on Ontario grapes, as long as the government allows any grape fruitland to survive in the Niagara Peninsula—which isn't very long at the rate you are going—but on the other hand, concern has been expressed about the quality of the vast bulk of Ontario wine that is produced. It just simply doesn't match up to wines from other countries, although there are a few recent vintages which appear to be more acceptable.

One of the ways of improving the quality is obviously to ameliorate it or cut it with concentrates from California, or Spain, or France or wherever. Should that flexibility not be there? Should you not say that as long as it's 75 or 80 per cent made out of Ontario grapes it could qualify as an Ontario wine? What are the privileges which are given to Ontario wines which are restricted from others?

**Hon. Mr. Handleman:** Mr. Chairman, one of the reasons why we do not permit the use of foreign concentrates is to encourage the very trend that the hon. member has noted, and that is, the increasing use of better quality grapes to produce better quality wines. It would seem to me that this definition as it now stands, with the arrangements between the wineries and the grape growers to guarantee markets for them, has led to an improvement in the quality of our wines to the point where I have been able to tell some of the representatives of foreign wineries, wine importers, that they must be prepared to face some Ontario wines on the international markets very shortly.

If we were to permit the wineries to use concentrates, then the incentive to produce better wines in Ontario from the use of Ontario grapes would simply be removed. That doesn't mean that at some time in the future there couldn't be an entire revamping of the whole wine policy, but I don't think a simple unilateral provision for the use of foreign concentrates in Ontario wines would really be very constructive at this time.

**Mr. Cassidy:** Is there legislative sanction in this Act or somewhere else for the practice by which the markup on Ontario wines by the Liquor Control Board is a lot different from the markup on foreign wines, or what other privileges adhere to Ontario wines in this province?

**Hon. Mr. Handleman:** Mr. Chairman, we are talking about the previous bill, of course. The Liquor Control Board of Ontario, which is covered by the Liquor Control Act, has the power to establish markups. It is empowered by this Legislature, under Bill 44 and its predecessors, to establish prices.

**Mr. Cassidy:** But what privileges are there in this Act for Ontario wines, if any?

**Hon. Mr. Handleman:** Mr. Chairman, the only privilege that I can see is the definition of Ontario wine.

**Mr. Chairman:** The hon. member for Welland South.



**Mr. R. Haggerty** (Welland South): Mr. Chairman, I was interested in the comments the minister made about Ontario wines and I was just wondering what quality check do you make on imported wines coming in, say, perhaps from France? Last year there was quite a controversy in France in dealing with the wine industry there, where they were using the cheap wines and adding a few additives to them, changed them—

**Mr. Renwick:** On a point of order, this is the wrong Act; he is talking about the other Act. He is late, as usual. His party is always late.

**Mr. Haggerty:** Well, it is a good point. We are dealing with Ontario wines here. I think the interest here is that I want to protect the Ontario wine industry.

**Mr. Renwick:** I know you do, but you are late. You should have spoken on the last bill.

**Mr. Haggerty:** On the last bill? Well, I wasn't here on the last bill, I was down in the other committee. But I was just wondering, what quality check do you do with it?

**Mr. Renwick:** That's your problem. If you were always on time the way I am this wouldn't happen.

**Mr. Haggerty:** Perhaps the minister wants to respond? Thank you, Jim.

**Mr. R. F. Ruston** (Essex-Kent): I think if the member for Riverdale would be quiet for a minute it would be better.

**Mr. Haggerty:** Yes. Go ahead and see if you can give me an answer.

**Hon. Mr. Handleman:** Mr. Chairman, I recognize the point of order that's being made by the member for Riverdale, but just out of courtesy to the member who missed the previous debate, the Liquor Control Board of Ontario maintains a very elaborate laboratory setup with wine tasters, chemical analyses and they do all of the necessary testing to ensure that the quality of wine is suitable for the Ontario palate.

**Mr. Renwick:** The chairman used to be one of the tasters, but he is not any longer.

Section 1 agreed to.

On section 2:

**Mr. Renwick:** On section 2, Mr. Chairman, if I may, I am curious, just as a matter of technique, as to why the minister felt that the Liquor Licence Board should be established as a new board and not continued

as a board, which was the case with the Liquor Control Board. I don't know whether I am clear on what the minister is intending. Why is it necessary to establish a new board and then provide for the transfer of assets and the assumption of liabilities by this board, when, with the Liquor Control Board, the minister simply continued it as a board?

**Hon. Mr. Handleman:** I'm not too sure I can answer that. It was a question, I suppose, of drafting. There is a number of new responsibilities for the Liquor Licence Board and it was felt that it should be established by this Act. The Liquor Control Board, which was continued under the Liquor Control Act, really had no new powers but was in fact deprived of some of its powers which are transferred into this Act. It may very well be that the legislative draftsmen in rewording the Act felt that it was necessary to establish the Liquor Licence Board while continuing the Liquor Control Board. That's the best explanation I can give you for it.

**Mr. Chairman:** Shall section 2 carry?

Section 2 agreed to.

On section 3:

**Mr. Renwick:** Mr. Chairman, I'm quite certain that the wording of section 3 is apt for the purpose. But I would like the record to indicate very clearly that the responsibilities of the Liquor Licence Board in respect of its employees and the rights, obligations and duties and responsibilities of the employees are fully protected under the new board as it has been established by section 2. I have read the subsections of section 3, including the amendment proposed in subsection 3 of section 3, and it would appear to me that it does that. But I think the record should indicate that there is no indication whatsoever that by establishing a new board you would alter in any way the continuing relationships between the board and the employees who are the beneficiaries of the collective agreement under the Labour Relations Act.

**Hon. Mr. Handleman:** Mr. Chairman, I would just like to confirm for the member's understanding that subsection 2 very deliberately binds the new board to any agreement or contract which is outstanding under the old board and, of course, the proposed amendment under subsection 3 is to continue the bargaining agent as it exists at present.

Section 3 agreed to.

Sections 4 and 5 agreed to.

On section 6:

Mr. J. E. Stokes (Thunder Bay): Section 6(1)(f) is referred to in section 8. What concerns me is the discretionary powers that are given to the issuer of licences under a special occasions permit. Section 1, subsection (1)(f), says:

The premises and accommodation, equipment and facilities in respect of which the licence is issued do not comply with the provisions of this Act and the regulations applicable thereto.

And, of course, that is sufficient reason for denying the issuance of a special occasions permit, as referred to in section 8. The thing that bothers me is that in a good many places in the north there are groups of people in small communities without any municipal organization where they don't have any tightly closed organizations, such as a Lions Club or a Legion or any service organization that would normally operate a facility in a hall and allow people in small unorganized communities to hold a social event.

You get a community club or something like that getting the only hall, which is usually very poorly equipped but it's the only thing they have. I can recall one instance, Mr. Chairman, where the local group made application for a special occasions permit, as they do maybe three or four times a year, once at New Year's, maybe once at Hallowe'en, and maybe once for a wedding banquet or something of that nature. The inspector walked in and said they had to have modern up-to-date facilities, indoor plumbing and stainless steel at that.

You know the rigmarole they have to go through. There was no indoor plumbing at this particular facility. It was an outdoor facility. They suggested to the inspector that he should tell them in advance what the requirements would be for licensing. Of course, he said: "All right, if you get two 45-gal drums, sit them into the ground and put a two-hole privy on top of it, that will suffice."

Everything was fine and dandy until he came up to make the inspection. He said: "No, that won't do. You've got to remove the privy, take out the two 45-gal drums, put in 5 ft of good porous soil, then put the drums back and the privy on top of them again, and then we'll pass it."

They had asked in advance what the requirements were, they met the requirements and then he came along at the last minute and said, "No." Well, their member intervened and they were able to go ahead with their social on the appointed date, but it

just shows you how ludicrous some of these situations can be.

Another one was on an Indian reserve, where they never had indoor plumbing; they were denied a right to a special-occasion permit simply because somebody said, "Well, there just can't be running water on a reserve." They actually did have a tap with running water, but that was the reason they refused the application; they assumed, without any on-the-spot inspection, that there just couldn't be running water on a reserve.

I want to know from the minister whether or not he is going to allow the people who are responsible for issuing these special-occasion permits to sit in an office several hundred miles away and make assumptions that are not even valid.

I want to speak about this in another section of the Act and to say that I don't think it should be mandatory for every special-occasion permit application to come down to Toronto to be given the okay. I think section 45 in the bill says it will be possible to set up regional or district offices and people to administer the Act. I hope that's the case, but when you do transfer this, I hope you don't impose the same kind of restrictions and insist on the same kind of standards in some remote community in the north as you would have here at the corner of Bay and Bloor.

I see very little in clause 6(f)—and, of course, this is the problem with all of these Acts; it's so very difficult to spell out in the Act itself what you intend to do. But any time you have to refer to the regulations, there is always the possibility that somebody given the discretionary powers will just become a little bit ridiculous—and the bureaucracy that these people have to wade through is just unbelievable.

I would like some kind of assurance from the minister that the same kind of standards won't be imposed in northern communities as would be the case down here in Metropolitan Toronto and that the authority won't be unduly withheld.

Hon. Mr. Handleman: Mr. Chairman, first of all, the hon. member is quite correct. The process of issuing special-occasion permits is to be decentralized. There is special provision for it in the Act. It certainly is the intention of the government to proceed with that post haste.

One of the advantages of the new system, I think, will be that there will be regulations which will not permit a great deal of dis-



cretionary power. The difficulty would come, of course, in the establishment of standards. I don't know how you can do it on a geographic basis, because there may be many places that are not in the north but which are just as isolated and perhaps do not have the kinds of facilities that are available to larger cities or more urban areas in southern Ontario; they don't necessarily have to be in northwestern Ontario.

What we will be doing, of course, is issuing the permits by designated officers in local communities, and presumably they will be able to suggest to us, in drafting the regulations, the kinds of minimum facilities that should be designated in the regulations. I would hesitate to say we should have one standard for the north and one for the south. What we should have are minimum standards of facilities which are province-wide in their application. I would hope they wouldn't be so stringent that whole areas of the province would be barred from obtaining special-occasion permits because obviously that is not the purpose of the Act nor of the regulations.

Having the local officer issue the permit, first of all, I think will be very time-saving. I have no doubt whatsoever, with the short experience I have had in this, that there will be occasions when there will be problems and they will go to their member. The problems probably will be solved best by the appeal tribunal—which we will be coming to later in the bill—and there will be ample time, if a local officer turns down the application for a permit either on the grounds of the facilities not meeting the standards or some other reason, for the tribunal to be able to deal with it very quickly.

We propose that the tribunal will sit in panels in much the same way as the OMB does, moving around the province to hear appeals as quickly as possible. The time involved in appeal would not go by and the special occasion which was to be celebrated would not be removed by default simply because the appeal couldn't be heard in time.

I hope we will be able to streamline the process to meet the points the member has raised.

**Mr. Stokes:** To add further to that: Within what time frame are you talking about? It has been my experience that when somebody wants to hold a social they usually apply about three weeks to a month in advance of the event to allow time for the application to come down for approval and back up. With the problems we have been having with

the mail lately three weeks or sometimes even a month isn't sufficient.

I can recall one occasion just recently when they were holding a winter carnival and they assumed they had made application within the normal time in advance and it didn't happen. As a matter of fact, the board didn't even have the application. We had to do some fancy footwork using the facilities of the Northern Affairs office and their Telex facilities in order to Telex the approval through so we wouldn't have 500 disappointed people in the town of Terrace Bay.

The thing is, are you going to have to insist that people make application much in advance of that now you have this other tribunal which will sit in judgement? Or if the thing is turned down how soon could we expect a decision from the tribunal in the case of an appeal going forward?

**Hon. Mr. Handleman:** The time constraints are set out in other sections of the Act than the one we are now dealing with. However, just to set your mind at ease I should point out we have set down certain times within which decisions must be made. In other words, if an application is received by the board for a permit the decision either to grant the permit or to deny it must be made within a certain time period. The time for appeals is very short and presumably the three-month period you suggested would cover almost every case. They certainly wouldn't have to apply that far in advance in order to be sure of the decision.

**Mr. Chairman:** Section 6; the member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I consider section 6 to be one of the key sections in the bill if not the most important section in the bill. I know there is an immense number of minor irritations which crop up from time to time in the administration of the Liquor Licence Act.

I happen to feel that the choice by the government of the Province of Ontario of the present chairman of the Liquor Licence Board was not only an excellent choice but one which is essential, in my view, to the assurance to the people of the province that organized crime or syndicated crime will not gain an entry into the liquor trade in the province. I think it's most important that it be said because the chairman of the board has been under the kind of marginal or peripheral attack that any chairman managing such a board is going to be under over a period of time, because there will always be strange



anomalies and situations which can be held up as ridiculous and silly and so on.

I think the minister or certainly his predecessors know that I have been concerned for a long time about the adequacy of the provisions which protect the public as to who are applicants and to whom licences are granted. I am very pleased to see here that there is some effort being made in the provisions of section 6 to ensure that one goes behind the particular people who may be fronting for the applicant or the person who is the transferee making an application to have a licence transferred to that person.

I am not at all certain, and I am not saying this by way of criticism, that it is adequately expressed in the proposed amendment to item (c) of subsection 1 to cover the problem. I happen to believe that this is one of the areas where one doesn't really deal in questions of 10 per cent or more and get involved in questions of who does or who does not control 10 per cent or more and the numbers game which is involved in it.

We tried, and we dealt with this at some length in the select committee report on the loan and trust corporations, because we were very concerned that the financial institutions of the province be not in any way subjected to a control by persons from whom the source of money could not be acceptably accepted in the province. I am certainly not going to propose any amendment because I have no indication whatsoever, and I think it's fair to say that there has been no indication anywhere in the Province of Ontario that laundered money or organized crime or syndicated crime, however you want to designate it, has achieved any control of any of the liquor and beer outlets in the Province of Ontario. I happen to be a person who believes it is absolutely essential that the bulwarks be impregnable and that we don't want to find afterwards that it could have been avoided, had we in this Legislature legislated properly to effect it.

In the report on loan and trust corporations, which was tabled today, the select committee on company law went somewhat more broadly into the question of a registration of a trust company or the question of a transfer of ownership of a trust company or a renewal of registration of a trust company. It is an annual renewal of the licence. We tried to establish criteria, and I admit the difficulty of it. I simply want to say that the select committee spent a considerable amount of time trying to establish what the criteria were, not only for registration as a trust company, but what are the requirements that should be

fulfilled at the time of a renewal of the licensing or the registration provision on an annual basis or on a biannual basis, as is the case.

For the minister's consideration, because none of these Acts is perfect, I would refer him to that report, which I am sure he will be perusing in any event. On page 20 of that report in the summary of the recommendations with respect to incorporation, registration, renewal of registration or however you want to phrase it, whatever the time it is when the government reviews the situation it happens to indicate the criteria at the time of incorporation; but we refer elsewhere in the report that they apply equally well to the annual renewal of registration of such a trust company.

I want to point out that the criteria we established, bearing upon the matters which are of concern to me under section 6, are that the proposed management is fit, both as to character and as to competence, to manage a loan or trust company. I suggest, for the consideration of the minister, that I think in its own way perhaps section 6 says so; but I think our language is somewhat broader. Of course, I don't know whether or not our recommendations will find their way into legislation. But certainly it is important from my point of view that the proposed management of any company, or partnership, or sole proprietorship is fit both as to character and as to competence to manage a liquor outlet for retail sale in the Province of Ontario—if I could extrapolate the language of the other report.

The next one was extremely important to us; that the persons who own, and are providing and control the funds put forward to finance the proposed company, are themselves responsible. Again, I'm suggesting we have used generalized language because of the difficulty of ever containing within a fixed formula, such as 10 per cent or more, or anything else, what happens in the corporate world.

I happen to think that we are engaged in trying to achieve the same objective; and I reiterate what I've said. I'm not proposing an amendment. I'm simply saying to the minister that I think it is absolutely essential that both on the initial application and on any transfer of any licence in the Province of Ontario and on any renewal of any licence, that because the persons have a lucrative business in most cases, and essentially one very much sought after, they be required to establish on those three situations that the management is fit, both as to character and

as to competence to manage the enterprise, and that the persons who own and are providing and/or control the funds that are put forward to finance the proposed company, or partnership, or sole proprietorship, are themselves, or himself or herself, responsible people.

I think, particularly when the government is concerned about the attitude and responses of people to law and order and the problem of violence, and the problem of crime, that we have an immense responsibility to make certain that a section such as section 6 is very carefully watched from year to year—and if there is a better way of expressing the intent, that the minister not hesitate to bring in those provisions. That's my first point.

I simply want to re-emphasize and I simply want to say that so far as I personally am concerned, the present chairman of the Liquor License Board is not only an adequate chairman but a first class chairman from the point of view of making certain that that kind of intrusion doesn't take place.

I do want to say to the minister that it may well be that he will want to add to the persons who examine the applications in the initial instance, but more importantly, the applications for transfer, persons skilled in his own profession, that is the accountancy profession, or persons skilled in the accountancy profession and in the police field, to make certain that under no circumstances is a licence issued in the Province of Ontario, or a transfer approved in the Province of Ontario, until the board is totally satisfied that the funds and the sources of the funds which come into that transfer, or application for transfer, or that application for a licence, are impeccable. I don't think that anyone can fool around about that game.

I happen not to get uptight about whether or not the chairman of the board, or the board, can deal with the entertainment aspects of the liquor outlets. I think it is quite unreal to detach the two and to suggest, for one single moment, that the ultimate intrusion, if it cannot be accomplished by the ownership of licences or by obtaining the transfer of licences, can't be obtained some other way through the entertainment world upon which many of these licence holders depend for the profit they make.

The nature of the entertainment, and the conjunction with entertainment and liquor, is not something which makes me uptight. I don't have to take second place to anybody in the assembly on the question of civil liberties and my concern about liberties of people, nor do I have to take second place, if I may

say so, in the enjoyment I receive both from the consumption of alcoholic beverages and from the entertainment which takes place in the places where it is provided. I have impeccable credentials to make the point that I don't think that you should for one moment get fooled by curtailing unnecessarily the authority of the board with respect to the areas upon which I have touched in these remarks.

I think it is immensely serious. I don't think one should fool around for one single moment, and I assume that the minister, the responsible minister, is in a position to give us a categorical assurance that no one in the Province of Ontario holds a licence, and no one in the future will obtain the transfer of a licence, and no licence will be renewed unless the most painstaking care is taken to make certain that there is no intrusion of crime into the liquor outlet business in the Province of Ontario. It's one of the singular jewels in the Tory crown, and there aren't very many of them left. But this one is an unflawed one.

**Mr. F. Drea** (Scarborough Centre): Diamonds, Jim, all diamonds.

**Mr. Renwick:** I make that particular tribute because I don't think you can fool around with it. I get a little bit concerned every now and then about umbrellas and marginal elements, and who has what umbrellas up and all the rest of it. We all get upset and I get upset when suddenly there's an arbitrary cancellation of a special occasion permit. In all of those things, and I am quite prepared to deal with each of those, there is nothing more fundamental than this section 6 in the bill. I have gone on at great length but I felt it was important to me to make those statements.

The second part of my comments on section 6 is that I am concerned that the only public occasion for representations has been specifically limited to the original application. There is no further opportunity under subsections 3 and 4, as I read those subsections, to provide that if an application is made by an intending transferee to have the licence transferred to that person, regardless of the period of time which may take place, there is apparently, on the wording of the section, no opportunity for a further public hearing with respect to whether or not, in the language of item (g) of subsection 1, it is in the public interest, "having regard to the needs and wishes of the public in the municipality in which the premises is loca-



ted." There is no opportunity for a further hearing.

Again, on the question of renewal, I'm not suggesting there should be a public hearing every two years for the public to make representations when a licence is renewed, but I would say that whenever a transfer of that licence is proposed there certainly should be another public hearing about the transfer which is taking place, and the intending transferee should be aware in the law that that is so.

I would be inclined to think, one way or another, that on some arbitrary numbers operation, either on the fifth renewal, which we would say would be every 10 years, or some other arbitrarily selected number — because, as I understand it, the renewal is to be every two years under the proposed Act—but, at some stated interval the public again have an opportunity to make a representation as to whether or not that outlet is in the public interest in the particular municipality or area of the municipality where it exists.

Otherwise, it seems to me to be kind of ludicrous to say that for all time an applicant doesn't have to meet the test. Once he's overcome the initial hurdle, for the rest of the time that licence is extant there is no further public input as to whether or not the people in the area want it. Times change; circumstances change; neighbourhoods change. It may well be that every 10 years people should be given the opportunity to express their views again about a renewal.

We're not talking about putting people out of business in the sense that suddenly they're going to lose a lot of money. They will either already have made substantial amounts of money—in which case it will not hurt them if the licence is not renewed after 10 years—or they will be providing the kind of service within the community such that they would welcome and not be frightened by application at a public hearing to have the question of the renewability of their licence aired. It may well be that the public in the particular area aren't really concerned about it and, therefore, no representations are made and the licence continues.

It seems to me the public has to be given an opportunity, other than simply upon the original application, to express its views. I'm sure there are reasonable ways in which that can be done.

I would appreciate the minister's response to those two areas of concern which I have expressed.

**Hon. Mr. Handleman:** Mr. Chairman, first of all, I would like to add my own remarks to the member's concerning the performance of the board under its chairman. I think we all get annoyed from time to time at decisions which are made which affect people who are quite close to us. Looking at the over 175,000 to 180,000 licences which are issued every year, the number of difficulties which we encounter, even put all together and considered in one group, would be so small as to be almost negligible. I think you have to keep perspective.

I think there have been a number of comments made, not only by the media but by individual members and from time to time within the ministry itself. I want to add my own compliments to the chairman and to his board for the very small number of difficult situations which arise in light of the large number which are dealt with very smoothly, expeditiously and favourably.

I'm quite sure the select committee's report is going to be very valuable to me and to the ministry and to the operation of this bill in the recommendations it has made. Of course, I haven't had an opportunity—I have been looking forward to that report, Mr. Chairman, your report, for quite some time now and I'm very happy to have had it tabled today. I can assure you I will have three copies; one in my office, one in my home in Toronto and one in my home in Ottawa where I'll be able to read it whenever I have a moment's leisure because I know it's going to be very valuable to me.

I simply want to say to the member that the question of fit management is one we did discuss during the drafting stage of the bill. It was felt, because of the difficulty in interpretation by a quasi-judicial body such as the tribunal or in any further appeal to the courts, it might perhaps be covered by regulation. Certainly we would like to include the term fit management in the regulations as one of the terms and conditions of licensing.

The numbers game which is played, unfortunately but I think necessarily, in section 6, is simply a continuation of the usual 75-25, 90-10 type of rule we've been using in order to determine ownership, both at the federal level and at the provincial level. The 10 per cent is simply a continuation of that traditional number which we have taken to have some connotation of influence in the decision-making of the corporation.

Certainly somebody with 9.5 per cent in a widely-held corporation can control that, and we're quite aware of that possibility. I



want to assure the member we have no information either of any intrusion by crime, organized or unorganized, in the liquor outlets of the province, whether they be restaurants, hotels, clubs or any other form of liquor distribution. We certainly would want to keep Ontario's system as clean as it has been.

I am very delighted with the complimentary comments of the hon. member on the cleanliness of our operation. We certainly are going to make every effort to keep it that way, and I will certainly take under advisement his suggestions of the skills which persons who are going to be involved in the operation of the new board should have. I quite agree that there is a history of the financial analysts being able to ascertain the source of funds when persons without those skills are unable to do so, and I think we should make every effort that we can to ensure that the source of funds is itself as clean as the operation we want to see in this province.

The question of entertainment has been brought up many, many times, and I have decided in my own mind that this is one of the first questions that I will put to the advisory council. I think I share with the member for Ottawa Centre some of the reservations about censorship that he has expressed, and yet I also see the need for it, and particularly in this kind of operation. However, I have decided not to allow my own personal feelings in this matter to influence the Act, and I think the question of entertainment standards in licensed premises will be one of the things I will be asking the advisory council to study and to report back to me with recommendations. Certainly as far as obscenity is concerned, that is the business of the police under the Criminal Code. I don't think we want to put it in a regulatory Act such as this.

The question of the public's involvement in both the licence issuing process and in the transfer and renewal of licences is also a matter that was discussed at great length during the drafting stage. The board has the power to issue or approve a transfer on the same grounds as the initial application. I would assume from this, by implication, since the original application includes a provision for public participation, that the board would have public representation on hearings for transfers or renewals.

At the same time, I must say that the public interest in the initial application, I would think, would be much greater than it

would be in the case of the transfer or the renewal, simply because the public's interest—and I am probably anticipating—probably would be based on the number of outlets in the area and the kind of area that the outlet is to be located in, rather than the people behind the licence. I think the board is the protector of the public interest in that case, and that it would certainly carry out its responsibility to protect the public interest to ensure that a transfer was not made to an undesirable group or that, in the face of unsatisfactory performance, a renewal would be granted. Certainly if a renewal is not going to be granted, then the public would be involved in the hearings and would have a right to be heard, as I understand the Act. Now it may very well be that we have not done that specifically enough. We think it is there by implication in section 11, but when we come to that perhaps we can look at it again.

**Mr. Chairman:** Shall section 6 carry?

**Mr. Renwick:** No, Mr. Chairman, I just want to make one minor point. I don't happen to think that it is. I think there would be an argument, on the question of a transfer of a licence or the renewal of the licence, about whether or not there was an opportunity for the board by regulation to provide for the same public input at such times as they thought was the necessary ingredient. I am not going to pursue the point; I have made the point. I think the minister appreciates what I was saying, and it may very well be that on a subsequent occasion we'll see an appropriate amendment if that is not so.

**Mr. Chairman:** The hon. member for Perth.

**Mr. Edighoffer:** Yes, I just want to ask a question on section 6(1)(g), which states: "... the issuance of the licence is not in the public interest having regard to the needs"—and I stress the word "needs"—"and wishes of the public in the municipality in which the premises is located."

I just want to ask the minister how this would be determined and by whom. I was also wondering, with that word "needs" in there—the needs in the municipality—is this possibly an opportunity for the board to try to licence premises only on a population basis? I have been asked by a number of people in that regard.

**Hon. Mr. Handleman:** No, not at all, Mr. Chairman. The board, of course, will make the decision and they will take into considera-

tion the expressed needs and wishes of the public in that municipality, as expressed by the public in the municipality.

Now if the public wishes indicate that, first, there is no need for this particular outlet or the licence which is being applied for, then the board in its discretion could deny that licence on the basis of there being no public need. On the other hand, while there may be a demonstrated need, the public may say: "We do not wish this to be in our municipality or in our neighbourhood" — and the board would have to take that into consideration in either granting or refusing the licence. If the licence was refused, those views would be carried forward in the hearings of the tribunal, and possibly to the courts at some later stage.

There has been, I suppose, an unwritten numerical rule of so many outlets to so many people—on a per capita basis—but certainly that is not one of the written rules or regulations. I think the board has to be allowed a certain degree of flexibility in this area.

**Mr. Chairman:** Does section 6 carry?

**Mr. Cassidy:** Mr. Chairman, I have a number of points to raise on section 6. I think this is the relevant time to raise them, and perhaps I could ask the House a bit later if I can come back to section 3. It took me about 45 minutes to get a revised copy of the bill—which was not in my folder here—and section 3 has some points I would like to raise.

**Mr. Chairman:** Section 3 is already carried.

**Mr. Cassidy:** I beg your pardon?

**Mr. Chairman:** Section 3 is already carried.

**Mr. Cassidy:** It was not carried with my being aware of the contents, Mr. Chairman. On a point of order, I searched in two or three of the folders here and I asked the pages. Eventually I had to get one from the clerk assistant before I was able to see a revised section, of which I was not aware at the time it was passed.

**Mr. Chairman:** To revert to section 3 we would have to have the full consent of the House.

**Mr. Cassidy:** Well, perhaps we can revert later. The point I want to raise—

**Hon. Mr. Handleman:** Well Mr. Chairman, on a point of order, we did at the outset receive the concurrence of the committee to proceed with the bill as we put it, and that

section was discussed. It has been discussed by a member of the hon. member's party. I simply feel that if we can go back to every section at the request of an individual member, we could be here forever.

**Mr. Cassidy:** On a point of order, Mr. Chairman, if the minister wants to get pugnacious about this, I looked in my file here to find that even the old copy of the Act had been removed and that no new copy had been put in. The copy in my neighbour's file was also the unrevised copy of the Act. The proper copy of the Act was not available. Since a major change was made there, I would like the possibility of discussing it. That's all, and I don't see why the minister should disagree with that.

**Mr. Chairman:** It is not within the chairman's power to revert unless I have full consent, the full agreement of the House.

**Mr. Cassidy:** Well I am asking the minister for concurrence then. If he wants to get the bill through in a reasonable period.

**Mr. Chairman:** It isn't a case of whether the minister concurs or not.

**Mr. Cassidy:** Well if the minister says in a general way that he concurs—

**Mr. Chairman:** Order, please.

**Mr. Cassidy:** If the minister says—

**Mr. Chairman:** Order, please. Once a section has been carried, we proceed to the next section.

**Mr. Cassidy:** On a point of order, Mr. Chairman, it is a normal courtesy in the House—

**Mr. Chairman:** Order, order.

**Mr. Cassidy:** Yes.

**Mr. Chairman:** Would you please take your seat when I call order?

**Mr. Cassidy:** Yes.

**Mr. Chairman:** There is no way the chairman can revert back unless it is with the full agreement of every member of the Legislature who is present at the time I ask for consent.

**Mr. Cassidy:** Well I would ask then, after we pass section 6, whether it would be possible to go back for a couple of minutes to section 3.

**Mr. Chairman:** It would be possible with the agreement of the members of this Legislature. That's the only way, total agreement.

**Some hon. members:** No way.

**Mr. Cassidy:** The Liberal Party is lining up with the government again.

**Mr. Bounsall:** In fact they are worse than the government.

**Mr. Cassidy:** If you guys would do your work around this place rather than waffling around we might get a better House, you know.

**Mr. Chairman:** We are on section 6. Does the member wish to speak to section 6?

**Mr. Cassidy:** Yes, I do, Mr. Chairman.

**Mr. E. R. Good (Waterloo North):** Mr. Chairman, may I speak on the point of order raised by the member for Ottawa Centre? We are sick and tired of this. Last week we went through the same thing with the member for Riverdale, who came in here late, missed the passage of sections of the bill and wanted to revert. Now we graciously consented unanimously to go back for the member for Riverdale. Now do we have to do this day after day for NDP members who can't be here to discuss a bill when it comes up?

**Mr. Stokes:** Speaking to the point of order, the new printing of the bill is not generally available to the members.

**Mr. Good:** It was put on your desk on Friday.

**Mr. Stokes:** It is not in my book and it's not in my desk.

**Mr. F. Young (Yorkview):** It is not in my book.

**Mr. Stokes:** And it is not in my book.

**Mr. Chairman:** We have no point of order. The member for Ottawa Centre.

**Mr. Stokes:** What do you mean? The bill isn't available to us and I don't have a point of order?

**Mr. Cassidy:** On a point of order, Mr. Chairman, I think we should possibly consider the adjournment of the House until copies of the bill are available to all members. Do you have a copy of the bill?

**Mr. Stokes:** No, not the new one.

**Mr. Cassidy:** Not the new one?

**Hon. Mr. Handleman:** Mr. Chairman, on that point of order—

**Mr. Cassidy:** I'm sorry, Mr. Chairman, but this just doesn't make—

**Hon. Mr. Handleman:** —I mentioned specifically at the outset of the committee this evening that copies of the revised bill were distributed last Thursday after the 6 o'clock break. They were on everybody's desk under the clip. I made sure of that. Therefore every member has had access to a reprinted copy of the bill.

**Mr. Drea:** Mr. Chairman, further to the point of order, the member for Riverdale, at the particular time tonight when the minister pointed out that this was a reprinted Act, nodded his head that his party was in agreement and they were supplied with the documents.

**Mr. Cassidy:** Mr. Chairman, looking inside my desk, I find there is a copy of the reprinted bill. For that I thank the minister but it is not in the normal place where one would expect to find it. I would expect it to be with the other material passed around in the normal procedures of the House and not passed around in this funny kind of way. It was under here—

**Mr. Chairman:** The member for Ottawa Centre has a copy of the revised bill.

**Mr. Cassidy:** I am asking the minister—

**Mr. Chairman:** If you wish to proceed at this time—

**Mr. Cassidy:** On a point of order, I am asking the minister whether he would agree to go back to section 3, now if he wishes—

**Mr. Chairman:** It is not within the minister's power—

**Mr. Cassidy:** —because of the fact that a number of us had difficulty getting the proper copy of the bill.

**Mr. Chairman:** There is no point of order. It is not within the minister's power.

**Mr. Cassidy:** I am asking the House whether that would be possible. This is a ridiculous way of proceeding, Mr. Chairman.

**Mr. Drea:** You are the ridiculous one.

**Mr. Chairman:** Are you asking the chairman to put it to the House?

**Mr. Cassidy:** I'm about to move the adjournment of the House, Mr. Chairman.



**Mr. Chairman:** All those in favour of reverting to section 3 of the bill will please say "aye."

All those opposed will please say "nay."  
In my opinion, the "nays" have it.

**Mr. Cassidy:** Okay. On section 6, Mr. Chairman, I believe this is the point at which the draft code under the Liquor Licence Act can be raised. Would that be correct—could the minister agree to that or not?

**Hon. Mr. Handleman:** Mr. Chairman, the draft code is simply a document which has been issued for the information of members indicating some of the intentions of the government, once the bill has been passed, to promulgate certain regulations containing definitions and other matters under the Act.

As far as I am concerned, I see no place in this Act where the draft code as a document can be discussed in this committee. It is the Act which is before us not any other extraneous document, by whatever name it may go, which can be debated in the committee. There are sections of the Act before us.

**Mr. Cassidy:** Mr. Chairman, section 6(1)(c) states that the application can be refused if the applicant is carrying on activities that are or will be, if the applicant is licensed, in contravention of this Act or the regulations. There are no regulations under the Act but these are the draft regulations and surely this is the point at which the proposals of the minister could be discussed? Can he suggest some other way by which the Legislature can consider the regulations under the Act since the regulations are often as important as the Act itself?

**Hon. Mr. Handleman:** Mr. Chairman, I don't know how you can discuss regulations which do not exist. There is no power to make regulations until the Act has been passed. I am quite prepared, if the member has some thoughts he wishes to express under the section he is referring to, to listen and perhaps comment on them. But really we can't discuss regulations when there aren't any.

**Mr. Cassidy:** I accept the minister's offer, Mr. Chairman. I have just been looking through the draft regulations and there are a number of points raised here which I think, probably in a committee or somewhere else, ought to be gone into in more detail because of the difficulty of application that would appear to exist from the way in which these things are laid out.

For example, in the discretion of the Liquor Licence Board, there is the requirement that it decide whether or not an applicant for a licence, or a licensee, is complying with the regulation that he not encourage the consumption of liquor, or words to that effect. It's very difficult to understand how somebody who is in the business of selling liquor, in a lounge or some other place, is not thereby encouraging it. If you provide chairs and tables and entertainment, and if the other major activity of the place is to drink, then one would expect that, if given the time and the opportunity and the place, drinking will in fact occur, and if it doesn't occur then the guy is going to go out of business.

The second thing is that the question of community input in licensing and in renewals, which has already been raised by the member for Riverdale, is touched on within the regulations.

The third thing—I just got some notes here—is on the question of whether you can stand up in a lounge or a public house, which I would have thought was a matter of the capacity—that is the number of licensed occupants on the premises—and not a question of whether people stand or sit down. The view seems to be continued in the regulations, that if you sit down somehow you will drink in greater moderation than if you are standing up.

On the question of patio licences and outdoor facilities, which we have had in Ottawa in connection with the Sparks St. mall, the requirement right now is that the patio licence must be connected with an indoor facility. In the case of the mall and in the case of Confederation Square, both of which the minister will be familiar with, there have been quite reasonable applications for licences to allow the consumption of beer in the open air or under a shelter. These have been refused and the refusal would continue, despite the attractions to the tourist trade and the fairly reasonable nature of the requests that have been made but which could not be complied with under the draft regulations.

On the fact that special occasion permits may only be issued where there is "an adequate supply of food," the difficulty is in defining that. I believe difficulties have arisen because of the fact that in many cases in the past there have been issuances of special occasion permits without food being available, and if that's a change in regulations, then I think we should be aware of it and possibly discuss it.

The exemption under the regulations of theatres and of retail department stores from the requirement that separates a licensee from somebody who is indentured to a manufacturer, who represents a manufacturer or somebody who is mortgaged by a manufacturer of liquor, is something that I think deserves explanation.

Special occasion permits may be used for fund raising, for charitable, educational, religious or community objects, but it's not clear whether they also may be used for fund raising for political objects.

**Hon. Mr. Handleman:** Isn't that community purposes?

**Mr. Chairman:** You are on section 6?

**Mr. Cassidy:** I am on section 6 (1)(e).

**Mr. Chairman:** Subsection 1(e)?

**Mr. Cassidy:** Yes, which refers specifically to whether or not the applicant is conforming with the regulations.

**Hon. Mr. Handleman:** Mr. Chairman, I wonder if I might, on a point of order, just point out that the regulation-making powers of the Lieutenant Governor in Council are covered under section 40, and the hon. member is discussing things like classes of licences which are prescribed under section 40.

**Mr. Chairman:** They are sure not in section 6.

**Hon. Mr. Handleman:** They are not in section 6. Most of the regulations by the Lieutenant Governor in Council are provided for under section 40, particularly those things which covers the classes of licences and the terms and conditions under which licences may be refused etc. I wonder if the hon. member might hold the discussion, if there is to be any discussion at all on the draft code which I have questioned in my previous remarks. It might more properly be held under section 40 of the Act.

**Mr. Cassidy:** The minister has just agreed to the discussion. Most of the points I wanted to raise have been raised now, and perhaps his staff has been taking it out of them and we could come back to those points when we get to the question of regulations under section 40; that would give them a few minutes to reply.

I have a couple of other points. I may raise one more as a drinker than as a member of the Legislature—the fact that it is not possible to have any kind of a happy hour;

that is, as the minister would know, where drinks are sold at reduced prices at certain times.

**Hon. Mr. Handleman:** That is an encouragement to drinking.

**Mr. Cassidy:** That may be the encouragement of drinking, except the very existence of bars, pubs and lounges would seem to me equally an encouragement to drinking. Our standards are a bit hypocritical in that case.

Finally, the poor old Oktoberfest and the fact that once again the Liquor Licence Board is going to protect the public by restricting the use of the word beer in the Oktoberfest—or at least it has got the power to do so.

I would like to raise another question which also relates to section 6, Mr. Chairman. This has been a particular problem which I have come up against in a couple of cases within my riding. We, as a country, say to people in other countries, "Come to Canada; establish yourself; live a North American standard of living. It is a great place to be." We have an active immigration policy under which up to 200,000 or more people come to Canada every year.

For a number of reasons, some of which are difficult to defend, we don't train enough people in Canada to satisfy the needs for people who can meet the public's demand for fine restaurants. Therefore, many of the best chefs and cooks in Canada have been trained in France, Switzerland or in Greece or in other places. They have come from other countries or have worked in the restaurant trade in those countries, being nationals of third countries, and eventually have come to Canada. This is true also in the case of ethnic restaurants in Canada which cannot get people who know the ethnic cuisine without reaching back to their own home country.

We require that an applicant for licence must be a Canadian citizen—I am sorry, or a landed immigrant. That has been changed; I beg your pardon. I was misreading the section. Until now we have required that he be a Canadian citizen. Now you are saying he can also be a landed immigrant. Is that correct? Did that change?

**Hon. Mr. Handleman:** Landed immigrant, from the previous Act?

**Mr. Cassidy:** Could that have changed from the previous one?

**Hon. Mr. Handleman:** Not that I know of.

**Mr. Cassidy:** Not that you know of. Then why have I had situations in which people

who are immigrants to Canada but not yet citizens have been refused the right to have licences?

**Hon. Mr. Handleman:** Mr. Chairman, the only way I can answer that question is to say I would have to look at each individual case. There may be reasons other than the fact they are landed immigrants. Certainly, one of the policies of this government, not only in this legislation but in others—and we have been under some criticism for it—has been that citizens and landed immigrants are residents and therefore entitled to all of the rights and privileges under the Act.

**Mr. Cassidy:** I am sorry; I misread the thing.

Sections 6 and 7 agreed to.

On section 8:

**Mr. Chairman:** The member for Thunder Bay.

**Mr. Stokes:** One small clarification in sub-clause 3 of section 8. It says, "A permit may be issued by an officer of the board designated by the board for the purpose and such officer shall refer to the board every application for a permit or a renewal that he proposes to refuse."

I look in the definition and there is no definition of an officer of the board. Will that be somebody at a regional or a district office who will be given the issuing authority?

**Hon. Mr. Handleman:** Mr. Chairman, that is the section under which we propose to establish certain designated officers who will be located elsewhere than Toronto for the purpose of issuing permits on the spot.

**Mr. Cassidy:** On this section, Mr. Chairman, can the minister explain subsection 2 of—sorry—

**Mr. Stokes:** Are you on section 8?

**Mr. Cassidy:** Yes, subsection 2 of section 8. It appears to say that on the one hand only clauses (d), (e) and (f) of subsection 1 of section 6 apply, but on the other hand the remaining clauses apply, other things being equal, *mutatis mutandis*. I am not sure which you are meant to follow.

**Hon. Mr. Handleman:** I don't quite follow the member's question. What we are saying here is that special-occasion permits must comply with the conditions under clauses (d), (e) or (f) of subsection 1 of section 6. Subsections 1 and 2 also apply but there are other subsections.

The other subclauses, I would assume, do not apply to special-occasion permits.

**Mr. Cassidy:** Could there be a clarification on that?

**Hon. Mr. Handleman:** Yes, we will try to get a clarification.

**Mr. Cassidy:** Thank you. If you wish to hold that one and get a clarification, I would be happy, but it does appear to be contradictory.

**Hon. Mr. Handleman:** I am prepared to come back to this one if I can get a clarification on it.

**Mr. Chairman:** Shall section 9 carry?

Section 9 agreed to.

On section 10:

**Mr. Chairman:** The member for Perth.

**Mr. Edighoffer:** I am just wondering if this section really gives too much power to the board. Under section 7 they can come back and review it every two years. I just wonder what new terms the board would impose under section 10 to change the reason for the permit.

**Hon. Mr. Handleman:** Mr. Chairman, there may be a change, for example, in the entertainment policy of the licensee; and the change from the entertainment policy might require the board to establish a new term or condition of the continuation of the licence which was not included in the original terms and conditions granted to the licence holder. That's just one example. There can be other changes take place.

**Mr. Chairman:** Shall section 10 carry?

**Mr. Cassidy:** Mr. Chairman, section 6 says that an applicant is entitled to a licence provided that, etc.; and that, as the minister explained earlier, is a fairly fundamental change in the law, because it says if you can meet these conditions you are entitled to have it.

Section 6 does not refer to specific terms and conditions that may be laid down by the Liquor Licence Board, but then section 10 comes along and implies that terms and conditions can be set out by the Liquor Licence Board in granting an original licence. Is there not a contradiction there?

**Hon. Mr. Handleman:** No, Mr. Chairman, because the terms and conditions can be included by regulation, and the applicant must



meet all of the regulations in order to be entitled to a licence.

**Mr. Cassidy:** Does that mean that the terms and conditions for each applicant are to be put through in the form of a regulation which is approved by the Lieutenant Governor in Council?

**Hon. Mr. Handleman:** No, Mr. Chairman, there will be a set of regulations which will include terms and conditions for particular kinds of licences, and those must be met by the applicant in order to be entitled to a licence.

**Mr. Cassidy:** But section 10 suggests that an individual licence or permit may have individual terms and conditions attached, as opposed to a regulation that sets general terms and conditions for a class of licence or permits. Is that correct?

**Hon. Mr. Handleman:** Yes, Mr. Chairman, an individual licence can have further terms and conditions attached to it; the terms and conditions primarily would be at the time of the initial issuance of the licence. However, there can be further terms and conditions attached to the holding of the licence, as explained to the hon. member who asked the previous question on this section.

While the terms and conditions will be outlined in the regulations, one that your colleague asked about, for example, being fit management, which lends itself to a wide interpretation—and we recognize this—could be one of the terms and conditions for the issuance of a licence. Then the terms and conditions could be changed for that particular licence holder when the time came either for a review, a renewal or a transfer of the licence.

There will be regulations setting out the terms and conditions for various types of licences, and we will be getting into those under section 40. Then the board, of course, can set special terms and conditions, as you have indicated, if the operations demand it. For example, there may be special hours of operation in a particular area of the province, depending on whether it's a tourist area or a resort area—a resort licence can have different terms and conditions than a dining lounge licence. There may be objections from the public in the area about particular aspects of the operation which the board might want to incorporate in the form of terms and conditions for that particular licensee. I think there always will be special terms and conditions for individual licensees.

**Mr. Cassidy:** I know now what has sort of been festering in the back of my mind, Mr. Chairman. There has been a practice in the past that if you wanted to get a liquor licence, you went to the local Tory lawyer or the designated lawyer—

**Hon. Mr. Handleman:** Ask the member for Scarborough Centre.

**Mr. Drea:** You don't know what you're talking about.

**Mr. Cassidy:** Three or four thousand dollars would be the traditional kind of payment for this kind of thing. I have checked it out—

**Hon. F. S. Miller (Minister of Health):** That is a charge you should withdraw.

**Mr. Cassidy:** If you'd wait until I've finished, I would finish.

**Hon. Mr. Handleman:** Why make it?

**Mr. Cassidy:** Because a number of people are still duped into doing it, and often they get as bad service as they get good service. They're told, "So-and-so handles these things and he can do a fine job for you; just pay your money and we'll look after it all for you."

**Mr. Drea:** You should report it to the Law Society.

**Hon. Mr. Miller:** It is not so.

**Mr. Cassidy:** It is not untrue. It has been true in the past.

**Mr. Drea:** I got mine through a Liberal lawyer.

**Mr. Cassidy:** You got yours through a Liberal lawyer? A number of people are now getting them on their own and finding that if they're willing to put the time into it—their time at \$5 an hour, or whatever they value it—before they open up for business, it is a lot cheaper than a lawyer's time at \$25 an hour.

When you have a discretionary power such as this one it creates problems for people and it puts more power in the hands of lawyers to say: "Look, we can handle it." When there were difficulties in getting a licence, or when there are lengthy delays in getting a licence, that also puts more power, or apparent power, in the hands of people who say: "Look, we've been through the ropes; we can fix it all for you."

My advice to anybody seeking a liquor licence is that, like it or not, if it's a small

businessman, they're probably better to do it themselves, occasionally paying a lawyer for advice on what they should do, rather than putting it in the hands of a lawyer, because it will take twice as long and cost three times as much.

**Mr. Drea:** You're an expert now on the Liquor Act, are you?

**Mr. Cassidy:** I've been through a few, in terms of advising people who have had difficulty with the Liquor Licence Board and difficulty with lawyers they hired to ostensibly help them.

What I would ask the minister is, what is the Liquor Licence Board, under the ministry's direction, willing to do in order to give applicants a clear statement of all of the steps that they must go through and all of the requirements that they must meet in order to become entitled to a licence? What the minister is talking about in terms and conditions here, I don't really disagree with. It's more of a peg to raise this particular point. But in the cases that I've been involved with, one of the difficulties that the individuals have had is that they couldn't get the information. It was like a holy grail. It was guarded jealously, and the people who seemed to be a repository of the secrets were lawyers who claimed to be able to pull political strings.

In my discussions with the Liquor Licence Board—I'll put this in the record too—they say: "Look, we've been moving heaven and earth to make sure that there are no political strings," and I'm inclined to accept those assurances that I've had from the present members of the Liquor Licence Board. But as far as the public is concerned they can be duped, and information will help them to get around that potential duping, and do it themselves, or monitor how well their lawyers are acting on their behalf.

**Hon. Mr. Handleman:** Mr. Chairman, I'm not too sure that even the suggestion should be dignified by denial. There never has been, in my experience, any suggestion made to me that certain people have more influence with the board than others. If the hon. member has any information to that effect—particularly if he can name names—I would certainly suggest that the Law Society would be very anxious to talk to him.

**Mr. Cassidy:** It is over the hill, but you have already mentioned one of the names. There has been a large scale concentration of business in those hands for some time, not recently.

**Hon. Mr. Handleman:** Whether or not it's over the hill, the things that the board has been working on and one of the things that we will be publishing almost immediately, simultaneously I think with the proclamation of these Acts, is an instruction guide to applicants outlining the various steps that they must take, one, two, three, as much as possible, and defining the classes of licences.

If your asking for a special occasion permit that will be one set of guidelines. If you're looking for a dining lounge, that will be another, and so on, and we'll try to put it in lay language. It will not be a legal document, so that anybody who wishes to go to the board and act for himself will be able to do so and will know the rules, will know the terms and conditions, will know the procedures of the board, and it's not our intention that anybody in this day and age should have to hire counsel in appearing before a lay board.

On the other hand, in view of the very technical nature of the regulations, the terms and conditions, the possibility of appeals to the tribunal and the courts, I certainly don't want to discourage anybody from having a lawyer, but it should be the lawyer of their choice. Nobody—unless it happens to be a lawyer who has made a special effort to become acquainted with this aspect of the law—will have any special skills in the area until they've made a complete study of the Act. I think those studies will be conducted by lawyers of all political affiliations.

**Mr. Cassidy:** Mr. Chairman, obviously that assurance from the minister that the guidelines will be published is welcome. Can the minister say why this hasn't been done over the past 30 years? I mean, why now? I am glad you are doing it now, but why has it taken so long?

**Hon. Mr. Handleman:** As the hon. member is probably fully aware, up to now the board has been operating under policy rather than under a set of fixed regulations, and the whole purpose of the new revision of the Act is to codify all of the terms and conditions, the processes and procedures, into a form of regulation.

Why hasn't it been done over the past 30 years? Certainly there has been a set of guidelines built up which people have become familiar with; and the hon. member is quite correct, probably some lawyers have become more familiar with it than others, probably through the process of experience, having learned at their clients' expense in a number of cases; I think this is the way many

people in the legal profession do acquire their skills, they keep learning as they go along.

But certainly I don't think that has anything to do with political affiliation. I would just remind the hon. member that probably the most successful lawyer in Ottawa, the one with the most clients, is certainly not a member of the party I support, nor that he supports as a matter of fact.

Section 10 agreed to.

**Hon. Mr. Handleman:** Mr. Chairman, I wonder if I could go back to section 8(2). I have a clarification which may or may not satisfy the member, and I did promise to go back to it.

**Mr. Cassidy:** Section what?

**Hon. Mr. Handleman:** Section 8(2). I had promised, Mr. Chairman, that we would go back to this section and provide information to the member. It may very well be that it's a confusing section. The purpose here, of course, is to provide for special occasion permits only, and to exclude the special occasion permit applicant from certain parts of section 6. I am advised that in fact that is what it does. It is a very confusing section but I am told that clauses (a), (b), and (c), for example, of 6(1) have no application on special occasion permits as a result of this section, so that only—

**Mr. Stokes:** Subclauses (d) (e) and (f).

**Hon. Mr. Handleman:** —(d) (e) and (f) apply. I think this is the way it is read and meant to be read.

**Mr. Cassidy:** Mr. Chairman, on the straight technical drafting thing, it would seem to me that if only clauses (d) or (e) or (f) of subsection 1 of section 6 apply, then the following words should just say, "and subsection 2 of section 6 applies in respect of permits mutatis mutandis." In other words, if the rest of subsection 1 does not apply, then you shouldn't say that subsection 1 does apply mutatis mutandis. That's awfully technical; but it is a very confusing section.

**Mr. Stokes:** With necessary changes.

**Mr. Cassidy:** Possibly your draftsman could redraft the section and bring it back before we get to 10:30.

**Hon. Mr. Handleman:** Mr. Chairman, if the draftsmen feel that it requires redrafting, as suggested by the hon. member, I am quite sure that they will suggest it before we pass the bill.

Sections 11 to 13, inclusive, agreed to.

**Mr. Chairman:** Any section before section 20?

**Mr. Edighoffer:** Yes, 14.

**Mr. Chairman:** The hon. member for Perth.

On section 14:

**Mr. Edighoffer:** Mr. Chairman, this sets up the liquor licence appeal tribunal, and I wondered if the minister could advise who he has in mind to appoint here, and whether he will probably include people such as those who have had experience in ARF; alcohol concerns and social agencies and this sort of thing.

**Hon. Mr. Handleman:** Mr. Chairman, the hon. member catches me unawares, because really I hadn't given much thought as to who were going to be in certain positions. They are to be appointed by the Lieutenant Governor in Council, and presumably I can't speak for that august body. Really, I want to say in all truthfulness that I had not given much thought to it, except that I felt perhaps the chairman should be a person with a legal background; that was the only thing I had really thought out in my own mind. There hasn't been any thought given to the actual person to fill the job.

There has also been some thought, and I can share it with you, that perhaps the vice-chairman might be a permanent person, whereas the other members of the board could be more on a per diem. But we did feel that the chairman, specifically, should be somebody with either a legal or judicial background. That's all the thought we have given to it.

**Mr. Chairman:** Is section 14 carried? Does any member wish to speak on any section before section 25 of the bill? Does any member wish to speak on any section of the bill before section 30?

**Mr. Cassidy:** Section 35.

**Mr. Chairman:** On section 35, the member for Ottawa Centre.

Sections 14 to 34, inclusive, agreed to.

On section 35:

**Mr. Cassidy:** Mr. Chairman, this is the section that permits the board to interdict the sale of liquor. I believe up until now this has not been done by the board, but has been done more by an administrative action, LCBO blacklists and that kind of thing. Is



that correct? Can the minister say how he expects this section is going to apply in future?

**Hon. Mr. Handleman:** Mr. Chairman, the hon. member is correct that the Liquor Control Board has been doing the interdiction. It's now being transferred to the Liquor Licence Board.

I suppose really all I can say is that this is a continuation of the present provisions to the Liquor Control Act, except that we're transferring them to the Liquor Licence Board. The process is one which will probably be administrative and on request of certain authorities and certain people. I doubt very much whether the administrative practices would change very much from those which now exist.

It's my understanding that the list is certainly not a very large one, nor is it, to the best of my knowledge, abused by the board to act in an arbitrary fashion. There is, generally speaking, a very good reason for a person being on the interdicted list.

**Mr. Cassidy:** Mr. Chairman, this section and a later section allowing the incarceration for 90 days of somebody who has been through a detox centre raise some pretty substantial questions about civil liberties.

I'm sure the minister and his people have discussed it. On occasion I have, I'm sure, been guilty of misspending, wasting and lessening my estate, of injuring my health and of interrupting the peace and happiness of my family through some excessive tipping.

**Hon. Mr. Handleman:** I wouldn't have thought that of you.

**Mr. Cassidy:** You wouldn't have thought that? You're very generous.

I'm sure there are a few other members of this Legislature who may have done that on occasion as well. We're all potentially violators of this particular kind of code. Notwithstanding the assurance of the minister that it won't be used very often and notwithstanding the protection of the board and the tribunal, it still is a very broad power. I just wonder what are the civil liberties implications the government has thought through in coming to draft the sections in this particular way? What are the precedents in other jurisdictions for this kind of move?

**Hon. Mr. Handleman:** Mr. Chairman, we quite recognize the very strong power given to the board here. The civil liberties of the

individual involved are protected by the right of appeal.

The only thing I can say is that the powers given to the board here continue the existing powers which have not, to the best of my knowledge, been abused; and we are adding the right of appeal. It would seem to me the board would have to have very good evidence before this power was used, and that has been the case in the past.

**Mr. Stokes:** Might I just get a clarification?

**Mr. Chairman:** Yes, go ahead.

**Mr. Stokes:** This section says: "Where it is made to appear to the satisfaction of the board that a person" and so on. Where it's made to appear; and by whom?

They have lists, I'm sure, everywhere right across the province. Some of them are enforceable in small towns where everybody knows his next door neighbour. It's really of no consequence down here in Metropolitan Toronto. A person can be on the interdicted list and go, I'm sure, to any one of a thousand outlets where he could be in contravention and there'd be no way of enforcing this particular section of the Act. But in small communities generally throughout the province, I suppose, where everybody is known to everybody else, if you go into a retail establishment or if you go into a liquor store, I'm sure there are many areas of the province where it could be enforced.

I'd be interested to know, since Indian bands have put on the interdicted list literally dozens and dozens of their band members simply to try to bring some semblance of order and to cut down on the abuse of alcohol. But what do you mean by saying, "Where it is made to appear" and by whom? Who has the right to walk into an outlet and say, "I think that in the interests of society generally, for the benefit of the family, for the person's own self-preservation he should be on the interdicted list and shouldn't be allowed to consume alcohol"? Who has the power under this Act to make it appear that the conditions are such that he should be on that list?

**Hon. Mr. Handleman:** Mr. Chairman, I would have to assume that it would be probably either a member of the person's immediate family who would have to satisfy the board of this, or, as the hon. member has mentioned, the council of the band who, having detailed knowledge of the person's drinking habits and the effects that they

could have on himself and on his family, have requested that he be placed on the list.

At the present time it is done, of course, either by request of the individual himself or through a judge's ruling. So that while the board itself may make an order prohibiting the sale of liquor, it is my understanding that order can only be enforced through the courts; and, of course, through the Liquor Control Board. Now what we have is the Liquor Licence Board making the order. The Liquor Control Board, which is responsible for the sale of packaged goods, would have to enforce the list.

But when you say "make it appear"—I think you have to recognize the words "to the satisfaction of the board." In other words a simple statement to the board would not be sufficient to result in interdiction. It would have to be to the satisfaction of the board, and I would have to assume that the board would only act on sufficient evidence to ensure the fact that the civil rights of the person were not being violated on simple hearsay evidence.

There can be a full hearing, so that the person can appear before the board to defend himself, if he doesn't wish to be placed on the interdiction list. As you have stated, of course, this would only apply in areas where the person is very well known to the authorities; because in a city like Toronto, or Ottawa, or Windsor, it would be impossible to enforce that kind of thing.

I think I had mentioned that family or friends who are trying to protect themselves or the individual, can make a case for interdiction before the board. Evidence would be heard, the same as it would be heard in almost any other case. I think we have to give some judicial power to the board to make this kind of thing subject to the appeals which are now provided.

**Mr. Stokes:** Just to follow that up briefly, would it be possible to restrict the use of certain types of alcoholic beverages while allowing others? The reason I am asking this is that there has been considerable dialogue about whether or not fortified wines should be sold in a particular area just because it is cheaper to get. They can get drunker on a—

**An hon. member:** Block and tackle wine.

**Mr. Stokes:** —let less money and the effects are much faster. Is it possible to do that or would that be at the discretion of the Liquor Control Board?

**Hon. Mr. Handleman.** I don't think it would be possible to do it on an individual basis. Certainly it is being done now on an area basis—or in certain areas, certain products are simply not stored by the store itself. That doesn't, of course, prevent a person from getting consumption in any licensed outlet—for example, in a hotel or a restaurant where they might be carrying that. But the purchase of a very cheap, fortified, high-alcohol-content wine in certain areas, for example, can be controlled by the Liquor Control Board. We are getting away from this Act, but in fact it is being done now in certain areas of some of the larger cities. I am sure the board would be quite prepared to consider a request for it to be done elsewhere.

**Mr. Chairman:** The member for Scarborough Centre.

**Mr. Drea:** Mr. Chairman, I just wanted to point out on the question of the interdiction list that it still is, in certain areas, a very valuable tool. I suppose, hopefully in the years to come with the progress of the detoxification centre and various types of psychological rehabilitation programmes, that perhaps the interdiction list will not be needed. In this particular Act, the government was conducive to dropping the interdiction list altogether on the grounds, as the member for Thunder Bay has mentioned, that in certain areas of the province, such as Metropolitan Toronto, it just isn't enforceable. But there were a large number of submissions from people who face a particular problem with the alcoholic or the disturbing alcoholic in a very remote area or in an area where the alternatives to this were extremely limited. They did request us to keep it in because it was a very valuable tool.

That is not to say that the province regards this as any more than a very temporary stop-gap. In the long run the only answer to that kind of problem is the detoxification centre and the rehabilitation programme for the alcoholic.

**Mr. Chairman:** Is section 35 carried?

Sections 35 and 36 agreed to.

On section 37:

**Mr. Stokes:** Section 37 provides for detoxification centres. I am concerned about subsection 2 which says:

Where a constable or other police officer finds a person in a public place apparently in contravention of subsection 3 of section

46, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

That's fine in Metropolitan Toronto or the city of Thunder Bay where you have an option, but people in many remote areas of the province have just as great a need for this kind of rehabilitation, this drying-out process; and there just aren't funds and there aren't facilities available.

If a policeman comes across somebody he is duty bound under this Act either to lock him up or take him to a detox centre. Where he doesn't have an option, this guy just ends up in jail; there are no if, ands or buts.

Don't you think this is discrimination simply because there aren't sufficient facilities? One would think, reading subsection 2 of section 37 of this Act, that they were generally available right across the province. We all know that there are many sections of the province where, if you asked what a detoxification centre was they wouldn't even know what it was.

I think this is discriminatory. We need those facilities in the north. As I say, I don't expect you to make them available in every small hamlet right throughout the province, but if you are going to incorporate this kind of a provision within the Act, at least you should have something within driving distance so that people could have available to them that option rather than just being locked up and when they dry out being thrown out on the street again. This rehabilitative process just isn't available to them.

What kind of representations are you making to your colleague, the Minister of Health, who is responsible for setting up these detox centres? Having read that subsection you would think that they are readily available almost anywhere in the province; and that just isn't the case. I think this is a discriminatory section inasmuch as there is no option left open to the arresting officer. He has automatically got to incarcerate him and put him in jail or lay an information or do whatever is necessary under the Act.

**Hon. Mr. Handleman:** Mr. Chairman, first of all, I am inclined to agree with the hon. member about the need for more detox centres. But, if he will notice the definition of a detoxification centre, it is a public hospital. A public hospital can be designated as a detoxification centre. Before you can have a detoxification centre, you have to have a public hospital available.

I would certainly not urge on my colleague the Minister of Health, particularly in his absence, that he start constructing more public hospitals across the province in view of his financial constraints. I do want to point out that we agree on the need for more of this type of facility. I don't think there is any problem in principle. There certainly is a need for more money for this kind of facility.

But I want to point out that in the section to which you refer, the constable or police officer has the option of laying an information, because it says he may take this person into custody or he may escort the person to a detox centre; but he need not do either. What the alternatives are, I suppose, would have to be left to the discretion of the particular officer. It may very well be there is a place he knows of in the vicinity where the person can be kept safe. That is what we are really talking about. We are not trying to punish this person, we really want to have him from harm or injury to himself.

**Mr. Stokes:** You put him in jail.

**Hon. Mr. Handleman:** Yes, that is one of the options and it has been the traditional—

**Mr. Stokes:** It is the only option in my riding.

**Hon. Mr. Handleman:** Not necessarily. There may very well be a private home where the family is quite prepared to accept him in the condition he is in. I don't know all of the various options open to the police officer concerned but there is no compulsion on him to take the man to jail. That may very well be the best place for him which is available.

Obviously a detox centre would be better, but even where there are many detoxification centres at the present time—only about 50 per cent of the beds are being reserved for people brought in by the police; in many cases those detox centres are full—there simply is no space for them. The constable in Toronto or wherever has almost the same options as he has in Schreiber or Geraldton or any place of that nature where there may not be a place other than the local jail; and that may be the safest place.

I'm sure you have read some of the articles which have been published recently about many of the people who are in this unfortunate position saying they are better off getting a weekend of good square meals and a roof over their heads than dying or suffering from malnutrition while lying around



not being looked after at all because the police have no place for them. Many of them feel they are better off with a few square meals over the weekend in the jail rather than being left out in the park where they can be mugged or hurt themselves in some other way.

I think the police officers have handled this with a great deal of sensitivity and will continue to do it. I would like to see the day—I hope both of us see the day—when there are sufficient detox centres for everyone.

**Mr. Chairman:** Shall section 37 carry?

**Mr. J. E. Bullbrook (Sarnia):** Mr. Chairman, I would like to make some comments on subsection 2.

I am very much afraid of the word “apparently”. I don’t believe we should incarcerate people, either in a penal institution for their benefit, on the basis of appearance.

This type of statue leads to all type of difficulty. A peace officer’s normal obligation is to make a judgement. It’s not to rely on appearances. While we recognize the intent of this subsection is to benefit the person, I don’t think we should begin a new type of enterprise as far as activities of government and peace officers are concerned.

I think really the word “apparently” doesn’t suffice. Apparently is open too much to a subjective evaluation without evidence. As I say, I realize it’s important that these people, who are in these conditions at that time, be given some assistance for their own benefit. I don’t think we should pass laws which have any possibility of rendering anyone liable to an unduly subjective judgement without any interpretive qualification.

I think the word apparently is an example. I doubt if there are many people in this House who haven’t experienced it; who have seen people who are subjected to terrible frailties, physical and otherwise, and who would appear to be intoxicated. I know a great friend of mine whom I deal with almost weekly as I walk down one of our main streets in Sarnia. If a person didn’t know him, he would be apparently intoxicated because he has no control of any kind over his locomotion. It is only because of the universal knowledge—in the sense of my community—of that individual by people in Sarnia that he isn’t put into a jail or a detoxification centre every week. I’m sorry, my colleague from Scarborough Centre wants to say something.

**Mr. Drea:** I just want to point out to the hon. member that there is a big difference between a jail and a detoxification centre.

**Mr. Bullbrook:** The only thing that bothers me is, if you look at the words of the section, it says take into custody. It’s not the incarceration that is the bothersome thing. It’s almost an inherent understanding—nay, that’s too slight—it’s a right of a person not to be taken into custody. You don’t take people into custody without justification for taking them into custody. I want, therefore, to initiate a debate in this House on the question of whether we should take people into custody on the basis of their apparent condition.

I recognize this is very difficult for the enforcement officials. I sympathize with them, but I want to say to you without reservation. Mr. Chairman, if it comes down on balance, my choice has got to be that we can’t pass laws that permit peace officers, police constables or other police officers to take into custody a person who is apparently in contravention of section 46(3).

Section 46(3), which we should have a look at, says: “No person shall be in an intoxicated condition in a public place” or in any part of a residence that is used in common by persons occupying more than one dwelling therein. I don’t mean to exaggerate for the sake of clarity, but you can recognize fully that there may be persons who dwell within a residence with other persons who in their normal circumstances might exhibit physical deficiencies that might lend one to believe that they are intoxicated.

I think really what is happening now in society, if I may say to the minister and to the chairmen respectively of both boards, is somewhat of a revulsion on the part of society as a whole in connection with an unduly liberal attitude on the part of society with respect to the consumption of alcohol and other permissive aspects that will be debated, I am sure.

I think it is important for us that we recognize, notwithstanding what might seem a semantic equation, that we have an obligation to protect people. I, for one, do not want to be involved with the passing of a law which is dependent upon the appearances of people. I think it must be dependent upon a traditional, subjective evaluation. What must be put forward to a court eventually is the question of a reasonable and probable ground.

**Mr. Bullbrook** moves that section 37(2) be amended to remove the word “apparently”.

and replace that with the words, "who has reasonable and probable grounds to believe that he is in an intoxicated condition."

**Mr. Bullbrook:** Mr. Chairman, I'm not going to burden you or my colleagues with the body of law that has developed in connection with what reasonable and probable grounds mean. It's a body of law that, through the courts, has developed to protect society as a whole, realizing the need for a subjective evaluation but realizing also the need for the protection of the individual.

**Mr. Drea:** Mr. Chairman, it seems to me there is a fundamental conflict here, because the argument that is put forward by the member for Sarnia is one of protecting. Surely, in subsection 2, the object is the protection of the individual? I fail to see how when a person is apparently in an intoxicated condition—and I am perfectly prepared to grant there is a great difference between apparently and with reasonable and probable cause; I understand the difference perhaps not as much as the member for Sarnia but I understand the difference—surely the point here is that the person is going only to the detoxification centre. Surely, there has to be—

**Mr. Haggerty:** No, it doesn't say so.

**Mr. Drea:** Yes, that's very clearly the intent of this section. Instead of laying the information; instead of taking him—the word arrest is never used; the word charge is never used—he is taken into custody for purposes of going to the detoxification centre only. If you look at the explanatory note it says "taking to the detoxification centre in lieu of a charge."

If you are going to get into reasonable and probable cause that, in its final analysis, can only be judged by the courts. There is no way to get from a detoxification centre to the courts. You have to be charged; whether you are physically incarcerated in a jail cell or whether you are let out on bail, nonetheless, you have to be charged to get before the courts.

There is no way of going to court from the detoxification centre after completing the programme, whether the programme is the short one of giving immediate relief to the particular problem the person has or whether it is a long-term arrangement which involves rehabilitation and a halfway house or a great number of the sophisticated methods which are now used to try to attack this problem. There is no way that can get before the court.

What you are saying is that unless the police officer is prepared to wait until he has almost absolute surety that this person is intoxicated—

**Mr. Bullbrook:** No, don't do that to me, please. I didn't ask that. Now, please, don't do that to me. I didn't ask absolute surety; I asked for reasonable and probable—

**Mr. Drea:** I said almost absolute surety and that is the difference between "apparently" and "with reasonable and probable cause."

**Mr. Bullbrook:** No, it is not.

**Mr. Drea:** It is a big difference.

**Mr. Bullbrook:** Would you yield to me for a moment, please?

**Mr. Drea:** Yes, sure.

**Mr. Bullbrook:** Let me give you an example if I may. A person comes into a house where there is an epileptic. This is purely an example for the sake of legal clarity so you will understand it. Under the word "apparently," if somebody says to him that that man has epilepsy it doesn't make any difference under "apparently" because he appears to be intoxicated.

**Mr. Drea:** No.

**Mr. Bullbrook:** But if a person says to him, "I am sorry, my cousin has epilepsy" then he has no reasonable and probable grounds to believe.

I appreciate your yielding to me but I want you to understand it.

**Mr. Drea:** I understand it.

**Mr. Bullbrook:** It is not an absolute criterion. What it does in effect is, it protects the individual where there is some objective evidence and we don't deal purely in appearance.

**Mr. Drea:** Mr. Chairman, through you, coming back to the point, I would be extremely concerned—we are not just talking about the epileptic. We are talking about the person who not very frequently but certainly on a number of occasions gives us all concern. He is taking a particular type of medication for a kidney ailment or this type of thing and there is something of an odour about him and there is his appearance. All right.

If, under this section, the person was going to go to the cells I would agree with you, but in this case the person is going to

a detoxification centre which must be under the auspices of a hospital. He is being taken to a hospital and if he is not intoxicated, if he has an ailment which has left him in such a condition that he couldn't coherently explain to the police officer what his problem was, I suggest to the member for Sarnia in all fairness that the police officer is taking him to proper medical attention. While it may have been for the wrong reason really, in the long run, it is for the protection of the person. As I say, I would have different thoughts if he was going into the cells but he is not.

Let's have another one. What happens to the police officer when he sees what appears to be a derelict sleeping in the park? There is some grave concern about this. First of all, the public, and I think with some right, does not want to be stepping around people who appear to be intoxicated and sleeping in public parks. They don't like it in parkettes; they don't like it on the street. All right. Now, then, if you are going to make it reasonable and probable cause, the police officer literally is going to have to stand there until that person awakes and then take him in.

**Mr. Bullbrook:** No.

**Mr. Drea:** Oh yes, he is.

**Mr. Bullbrook:** He is not.

**Mr. Drea:** Yes, he is. I yielded to you on this. Now under this section, provided there is a detoxification centre bed available, the person is apparently in contravention of section 46(3). All he has to do is take him to the detoxification centre. I wish we lived in an era where the police officer could tap the person on the shoulder and say, "You should go to a detoxification centre or its equivalent," and the person would go— but he won't—

**Mr. Bullbrook:** Listen, if the fellow—

**Mr. Drea:** There has to be a vehicle to get them there.

**Mr. Bullbrook:** Well, if the fellow is asleep, he is not apparently intoxicated. This is something most of us go through about one third of our day; you must understand that. But my colleague from Kitchener wants to reply to you.

**Mr. Drea:** Do you sleep in the park one third of the day?

**Mr. Bullbrook:** Yes, if you have no place else to sleep, believe me. My colleague from

Kitchener wants to reply. Give him an opportunity to reply. Well, you were finished; you were sitting down.

**Mr. Stokes:** Do you remember a time in Simcoe?

**Mr. Drea:** Yes, oh yes. Sure.

**Mr. Chairman:** The member for—

**Mr. Drea:** No, can I finish? I am just winding up.

**Mr. Chairman:** Yes, it is a good time to break off.

**Mr. Drea:** No, but as I say, Mr. Chairman, if this was for more than medical reasons, and the detoxification centre is where the medical attention is, whatever the effect of it may be, nonetheless the effect of subsection 2 is a means of conveying a person who is apparently intoxicated or quite intoxicated into the detoxification centre. That is all it is. You say take him into custody; there has to be a vehicle to get the person from the point where he is in the public place, or under that particular thing, into where he is going.

**Mr. J. R. Breithaupt (Kitchener):** Well, Mr. Chairman.

**Mr. Chairman:** This would be an excellent time to—

**Mr. Breithaupt:** No, I think it might be worthwhile if I could make a few comments. It may help to tie the thing together, at least from our point of view. I think the member for Scarborough East—

**Mr. Drea:** Centre! Why don't you know anything?

**Mr. Breithaupt:** Scarborough Centre— makes the point as he sees it with respect to the matter of apparent intoxication, but the point is surely that the constable involved has made a decision to take someone into custody. Now that person has been taken into custody, and in lieu of the information, in other words, in lieu of proceeding in one certain way, he proceeds in another way. But the point is surely that the constable has taken a person into custody.

I suggest that it is in the constable's best interest to have the protection of this term "reasonable and probable grounds," as well as it is for the protection of the individual who was taken into custody. The reason is that these words have a clear meaning in



law and a tradition of being very carefully judged by the courts, should the occasion arise.

I think if we are to be consistent in legislation, it would be worthwhile to use that phrase, which has a meaning in law and protection for both sides, rather than to use the word "apparently," which may develop a certain subjective problem that can only be resolved with some difficulty.

The suggestion that has been made is that this phrase, which my colleague has suggested, would benefit not only the individual who has been taken into custody, but also the police officer or constable who may be required to benefit from the historic and developed view of what that phrase means, as interpreted by the courts. We therefore think that it's in the best interests of both parties if that word is changed for a word that has a meaning in the interpretation of law.

Now, there may be some other comments to make on this, Mr. Chairman, but I would suggest that the committee might rise and report at this time, and perhaps consideration

could be given before we return to the bill tomorrow.

Hon. Mr. Winkler moves that the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill without amendment and progress on a second bill and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, tomorrow we'll proceed further with consideration of Bill 45 and then, as previously announced, Bill 106 and Bill 111, to be followed by Bill 77.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.

---

**CONTENTS**

---

	<b>Monday, June 23, 1975</b>
<b>Family Law Reform Act, reported .....</b>	<b>3277</b>
<b>Liquor Licence Act, in committee .....</b>	<b>3277</b>
<b>Motion to adjourn, Mr. Winkler, agreed to .....</b>	<b>3300</b>







# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Tuesday, June 24, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 24, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

## ACCELERATED FAMILY RENTAL HOUSING

**Hon. D. R. Irvine** (Minister of Housing): Mr. Speaker, on June 10, together with other provincial ministers responsible for housing, I met with Urban Affairs Minister Barney Danson in Ottawa. We urged upon him the necessity for substantially increasing the federal budget allocation for housing. This increase in funding, I emphasized at that time, was necessary both to meet a great social need and to stimulate employment across this nation. On that occasion, Ontario asked for an increase in the federal budget of \$390 million.

The fact that the whole of Canada received just half this amount—some \$200 million—in the federal budget last night further underscores my previous observations that Ottawa treats housing as a poor cousin with a zero priority. Mr. Turner's pathetic contribution to housing will make it difficult for any jurisdiction to meet its housing goals.

Interjections by hon. members.

**Mr. Speaker:** Order, please, while we have the minister's statement.

**Hon. Mr. Irvine:** Mr. Speaker, at the Ottawa meeting, Ontario requested that the federal budget for housing and related programmes for Ontario be increased from \$442.7 million to \$832.7 million. I want to add for the hon. members here today that some \$209 million of the requested increase represented federal funds Ontario would have borrowed and not been granted for its programmes and would have paid back with interest. This being so, I am all the more disappointed in last night's very feeble response to the needs of those persons seeking affordable housing in a worsening economic climate.

**Mr. E. R. Good** (Waterloo North): This government doesn't do anything when it does get funds.

**Mr. D. C. MacDonald** (York South): It was feeble all right. So are this government's efforts.

**Hon. Mr. Irvine:** I do not know at this time, Mr. Speaker, how much of that \$200 million will come to this province to assist us in our rental and ownership programmes.

**Mr. A. J. Roy** (Ottawa East): Why doesn't the minister find out?

**Hon. Mr. Irvine:** But I am not going to hold my breath waiting to find out because I know it is not going to be enough in any event. Today I am pleased to inform all the members of this House that the Ministry of Housing for Ontario through the Ontario Housing Corp. and through the Ontario Mortgage Corp. is this week issuing an invitation to the building industry in 16 municipalities to participate in the construction of approximately 2,000 family rental dwellings under the accelerated rental housing programme. We are making available an additional \$50 million for this call and we anticipate a very enthusiastic response from the building and development industry.

I want to add here, Mr. Speaker, this is in addition to our first call, at which time there was approximately \$40 million put forward by the Province of Ontario for rental accommodation. The Ontario Mortgage Corp. will make loans for up to 95 per cent of the costs of the developments at eight per cent interest. The loans will be amortized over 50 years. Borrowers must be prepared to enter into an operating agreement with Ontario Mortgage Corp. which will make 25 per cent of the units available to the Ontario Housing Corp. for its rent supplement programme and provide for rent stabilization in the remaining units.

Completed units or units under construction are not eligible for this programme. We are interested in generating additional starts to meet the need and demand for affordable housing.

In conclusion, Mr. Speaker, to facilitate this programme, I am asking today for the full co-operation of all local levels of government in order that we will have speedy approvals and issuing of the necessary building permits



to allow this housing to come on stream this year and next. Thank you.

**Mr. J. A. Renwick** (Riverdale): What misplaced confidence!

**Hon. F. S. Miller** (Minister of Health): Mr. Speaker—

**Mr. S. Lewis** (Scarborough West): This is going to be a round-robin, is it?

**Mr. J. E. Bullbrook** (Sarnia): And the Treasurer (Mr. McKeough) is the cleanup speaker.

**Hon. Mr. Miller**: There are 26 statements today!

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Before the Liberals have another picnic, will they warn us so we know what comes afterwards?

**Mr. R. F. Nixon** (Leader of the Opposition): We're glad we had it.

**Mr. M. Cassidy** (Ottawa Centre): The Minister of Health has forgotten what he was going to say.

**Mr. Speaker**: Order, please.

#### CANCER TREATMENT AT OTTAWA HOSPITAL

**Hon. Mr. Miller**: Mr. Speaker, during the question period on June 17, the hon. member for Carleton East (Mr. P. Taylor) asked me whether I would look into the situation at the cancer clinic at the Ottawa Civic Hospital. Because of the fear generated by certain articles in a newspaper, I took the unusual step of answering it by a statement rather than just replying to questions.

I would like to draw the hon. member's attention to a letter to the editor from Dr. T. G. Stoddart, director of the Ottawa Cancer Clinic, printed in the Ottawa Journal on June 11.

Dr. Stoddart said he assumed the purpose of the article about Ottawa cancer patients primarily was to stress the urgent need for improved facilities at the Ottawa Clinic. He pointed out that the Ontario Cancer Foundation recognized that new facilities were necessary eight years ago when planning first began for the new foundation clinic. However, should any patients obtain from the June 7 article the erroneous impression that they had received inadequate radiotherapy in Ottawa, then Dr. Stoddart felt these people had been done a grave disservice.

Dr. Stoddart pointed out that the physicians responsible for radiotherapy treatment at the

Ottawa clinic have long recognized the technical advantage of cobalt radiotherapy and have not withheld such treatment when it was felt necessary. He noted it is important to realize that in assessing the value of radiotherapy in terms of the tissue dose measured, the tumour or cancer cell cannot distinguish between a dose in "rads," whether given by x-ray therapy or cobalt therapy. In other words, the ultimate damage to the cancer tissue is similar.

Dr. Stoddart's letter indicated that the single most important factor in all radiotherapy is not the treatment machine but the skill, knowledge and ability of the physician—that is, the radiotherapist—who is responsible for the planning, prescribing and supervision of the actual radiotherapy treatment. The assistance of skilled radiotherapy technologists and radiation physicists in the treatment programme is essential; however, the key factor is the skilled radiotherapist.

I wholeheartedly agree with Dr. Stoddart's statement that it is important to reassure patients receiving treatment in Ottawa that the cancer clinic at the Ottawa Civic Hospital is fortunate in having such skilled physicians and associated support staff, and the treatment programme in each and every case is expressly tailored to the needs of the particular patient. The quality of treatment and care at the Ottawa clinic has been maintained at a high level for the past 25 years, and the staff intend to continue in this tradition.

Certainly we are all looking forward with great anticipation to the construction of new cancer clinic facilities at the Ottawa Civic Hospital, which are in the late planning stages. It is hoped the new three-storey building will get under way within the next eight months.

**Mr. Speaker**: I recognize the member for Carleton East before we start the oral question period.

**Mr. Lewis**: Mr. Speaker, on a point of order, we were given to understand during question period yesterday by the Minister of Energy (Mr. Timbrell), I believe, that the Premier (Mr. Davis) would be here to make a statement today of the government's response to the budget.

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Mr. Speaker, the Premier is just on his way in and I would expect that he would be here in about one minute.

**Mr. Lewis**: Oh, fine. Perhaps we could wait with questions.

**Mr. Speaker:** The member for York South.

**Mr. MacDonald:** Mr. Speaker, on a question of privilege, I attended a meeting, along with about some 500 farmers in Smiths Falls last Thursday evening, at the conclusion of which a spokesman for the Ministry of Agriculture and Food invited a delegation from eastern Ontario to come to a meeting here at Queen's Park this morning to discuss along with representatives from northern Ontario, particularly Manitoulin Island, the government's proposals with regard to cow-calf assistance.

Because of that kind of an invitation, I assumed it was a public meeting. Along with my colleague, the hon. member for Cochrane South (Mr. Ferrier), I sought to attend that meeting this morning and was requested by the parliamentary assistant to the Minister of Agriculture and Food to leave because he said it was a private meeting.

Mr. Speaker, a private meeting that deals with public business is not a private meeting. I draw your attention to the fact that we were excluded, whereas the hon. member for Lanark (Mr. Wiseman) and the hon. member for Algoma-Manitoulin (Mr. Lane) were permitted to attend the meeting.

Interjections by hon. members.

**Mr. MacDonald:** I object to this private negotiation on public matters and public businesses with a hand-picked group of farmers, excluding farm organizations and excluding members of the House if they happen to sit in the opposition.

**Mr. P. J. Yakabuski (Renfrew South):** Cry baby.

Interjections by hon. members.

**Mr. Speaker:** The Acting Speaker will take it under advisement and report to the Speaker of the House tomorrow. The hon. member for Huron-Bruce.

**Mr. M. Gaunt (Huron-Bruce):** Mr. Speaker, I would like to introduce to the House 44 grade 8 students and several adults from Mary Immaculate School in Chepstow. I'm sure that the House would want to extend a very warm welcome to them.

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

**Mr. I. Deans (Wentworth):** Let's wait for the Premier.

**Mr. Speaker:** Is the Leader of the Opposition ready to proceed with his questions? I

am sure he has other ministers he would like to ask questions of.

**Mr. R. F. Nixon:** Mr. Speaker, the Premier is now arriving. Perhaps we might just give him a moment to take his place because I am sure that he has got something to tell us of interest.

**Mr. Roy:** He has his dark blue suit on. He must mean business.

**Hon. J. W. Snow (Minister of Government Services):** There was nothing of interest last night.

## FEDERAL BUDGET

**Hon. W. G. Davis (Premier):** Mr. Speaker, yesterday the Prime Minister of Canada sent me a Telex which said that the federal budget would be geared, among other things, to keeping oil and gas prices as low as possible and developing secure sources of supply. I see a direct contradiction between these objectives and the actions outlined in the federal budget. The energy proposals announced by Mr. Turner amount to a 15-cent price increase to motorists and a 20 per cent increase in the cost of home heating. This will generate almost \$2 billion in additional revenues but once again most of these funds go to governments, not to expanding energy supply.

All of the 10-cent excise tax on gasoline goes to Ottawa and five-sixths of the \$1.50 increase per barrel of oil goes to the producing provinces and the federal government. This blatant tax grab will have severe repercussions in Ontario. It will add over two points to the consumer price index and result in 15,000 fewer jobs in Ontario alone. It will damage our tourist and recreation businesses and hit particularly hard at the auto industry and its more than 100,000 employees just as it begins to recover momentum.

Mr. Turner made reference to new realities but, in my view, ignored completely the important old realities of jobs, economic growth, and price moderation. No energy policy can be responsible which undermines the livelihood of so many of our citizens.

A distressing feature of the federal budget is its revelation of the serious state of the nation's financial and economic management. In two years, the federal budget has skyrocketed from a cash shortfall of \$1.6 billion to a colossal \$5.3 billion. This is bound to have a dramatic impact on capacity markets, interest rates and inflation. Despite this record growth in federal spending, we have, across Canada now, historically high levels of

unemployment, a gross national product that has stagnated or declined for four quarters in succession and an explosive inflationary situation.

The underlying objective of this budget was one of raising revenue to offset the lack of control over federal spending. Mr. Turner's professed restraint on federal spending is a cynical illusion. In each of the last two years there have been runaway increases in federal spending of almost 30 per cent, which have directly fuelled inflation. Now that the damage is done, we are told that Ottawa intends to exercise restraint. Some restraint, Mr. Speaker. Instead of the 15,000 additional civil servants originally planned for 1975-1976, heavens above, they are only going to add 12,000 to the public payroll this year, at a cost of \$150 million.

**Mr. E. W. Martel** (Sudbury East): What about Ontario's contract employees?

**Hon. Mr. Davis:** Real restraint, Mr. Speaker, would call for zero growth in civil service complements, or better yet—

**Mr. Yakabuski:** The Leader of the Opposition shouldn't defend it; he shouldn't commit suicide.

**Hon. Mr. Davis:** —an absolute reduction, comparable to Ontario's action at the provincial level. Instead of increasing the payroll by \$150 million—

**Mr. T. P. Reid** (Rainy River): What about the contract employees?

**Hon. Mr. Davis:** Listen, those members over there will have all the chance in the world to apologize for Mr. Turner and their colleague's budget—

**Mr. J. R. Breithaupt** (Kitchener): What about contractual employees?

**Hon. Mr. Davis:** —and it will take them several weeks to do it.

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Why don't they hang their heads in shame?

**Mr. R. F. Nixon:** That will be the day—

**Hon. Mr. Davis:** But I've got some advice for them—they'll be damn fools if they try.

Interjections by hon. members.

**Hon. Mr. Davis:** Excuse me, Mr. Speaker, that was not parliamentary.

Interjections by hon. members.

**Hon. Mr. Davis:** Instead of increasing the payroll by \$150 million—

**Mr. R. F. Nixon:** Have a nice day.

**Hon. Mr. Davis:** —such a three per cent complement cut would have saved \$150 million, thereby avoiding the need for the 10-cent excise tax on motorists.

**An hon. member:** The Premier doesn't know anything about it.

**Hon. Mr. Davis:** Now, dealing with employment, Mr. Speaker—

**Mr. P. Taylor** (Carleton East): He is not in favour of the budget, is he?

**Hon. Mr. Davis:** Mr. Speaker, if the member for Carleton East is totally in favour of this budget, that's great. Let the record show that the member for Carleton East—I know he is very indebted to Mr. Turner, but one can carry it to extremes, I forewarn him.

**Mr. Lewis:** The member for Kitchener said it was, by and large, a good budget.

Interjections by hon. members.

**Hon. Mr. Davis:** Oh, I know the member for Kitchener will rue the day he said it was, by and large, a good budget.

**Mr. Breithaupt:** I doubt it.

**Hon. Mr. Davis:** Just how much loyalty is over there? I am intrigued.

**Mr. R. F. Nixon:** Get to the punchline.

**Mr. Cassidy:** Rely on Pierre Trudeau to pull it through.

**An hon. member:** Good for whom?

**Mr. Lewis:** What is the Premier going to do now?

**Hon. Mr. Davis:** Mr. Speaker, Canada is currently experiencing its worst economic performance since World War II. The rate of unemployment in Canada has averaged seven per cent since the beginning of the year, and in this province about six per cent. The budget does not inject stimulus to the economy on an overall basis, and in Ontario the net potential job loss over one year is about 15,000 jobs. The emerging recovery in the United States will only slowly impact on this country. Consequently, the country faces high levels of unemployment for the balance of this year and most likely well into 1976.



Mr. Speaker, we welcome measures to expand the rate of growth and investments, but I am shocked by the lack of flexibility in the federal position and by the size—in fact, the smallness—of the job-stimulating package. It indicates that we shall have to endure high levels of unemployment for many more months to come.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): It's disgraceful; absolutely disgraceful.

**Hon. Mr. Davis:** This should have been the number one priority, together with measures to offset the impact on economic growth of rising oil and natural gas prices. I see nothing, Mr. Speaker, in the budget to counteract the loss of jobs and incomes which will surely occur as a result of the \$740 million increase in energy cost to Ontario consumers and businesses.

**Hon. Mr. Grossman:** Disgraceful; absolutely disgraceful.

**Mr. Lewis:** Even the Tories didn't believe they would be so helpful.

**Hon. Mr. Davis:** In the field of housing, Mr. Speaker, the budget provides a meagre \$200 million in additional funds for housing all across Canada. Ontario alone needs more than that amount to finance the minimum number of starts required to house its growing population. To illustrate, the original CMHC budget allocated only \$68 million to Ontario under the accelerated rental programme, whereas our need, as measured by actual proposals submitted by builders, is almost \$240 million.

The increase in direct grants by CMHC will probably not spur housing starts significantly, although it will provide some additional relief to low-income purchasers and renters. No broad relief has been provided from current high interest rates and no action has been taken to stimulate the supply of mortgage funds from the private sector. In fact, current exchange rate policy impedes a reduction on interest rates.

The budget implicitly supports high interest rates over the next few months and will make the housing situation progressively worse. Given this budget's failure to act decisively, the least that should be done is to abandon the LIP extravagance and apply that \$285 million to the housing sector, where there would be some real immediate input.

**Mr. Lewis:** I think that's not a bad one.

**Hon. Mr. Davis:** Mr. Speaker, dealing in the area of municipal finance and despite the professed concern—and we have heard it so many times in the past few months—the professed concern of the federal government, the budget ignores completely the financial plight of the municipalities.

The increased costs of travelling to and from work and other personal travel have not been offset by new initiatives to expand public transportation. It was about a year ago now that I was sitting in the Royal York Hotel working—

**Mr. R. F. Nixon:** What else?

**Hon. Mr. Davis:** I just wanted to make sure the members knew why I was there.

**Mr. Bullbrook:** Is that right?

**Hon. Mr. Davis:** —when I heard on television in the next room a speech on transportation. Maybe I am about one week past the year on the time. Somebody said, "Davis, you better go in there, they are making another speech on transportation." The first minister of this country told all they were going to do in terms of rapid or urban transit—and not one word is mentioned in the budget; no incentives to the municipalities or the provinces to offset this horrendous increase in gasoline costs by trying to assist urban transportation. I will never understand it.

**Mr. Lewis:** Yes he will. It is called the provincial Liberal death wish.

**Mr. Roy:** Later on he will.

**Hon. Mr. Davis:** No unconditional tax sharing has been provided, despite the growing financial imbalance within the public sector.

**Mr. Roy:** Tell us about Krauss-Maffei.

**Hon. Mr. Davis:** Mr. Speaker, Canadians have waited more than two months for this federal budget, only to be disillusioned and disappointed. It is contradictory, it is contractionary, and it fuels inflation at the same time. If there are two basic issues in this country at this moment they are inflation and unemployment. If any budget could have been devised to do nothing about those two issues, then the Minister of Finance of this country has succeeded eminently well.

**Mr. Martel:** Lougheed really likes that budget.

**Hon. Mr. Davis:** It does little to help expand energy supply, Mr. Speaker. If the Globe and Mail report this morning was correct, with

Mr. Turner, by implication, saying to the Premier of this province that I am going to be grateful and the people of this province are going to be grateful for what they have done to ensure energy supply and dependence on domestic resources, I can only say, Mr. Speaker—and I say this as politely as I can—that is sheer and utter hogwash. It doesn't make any sense; it doesn't.

You know, we are just as interested in security of supply and domestic development of our resources as anyone else, but this budget doesn't accomplish that objective. They could have done it a year ago within the terms of the taxes that they have already imposed with very little alteration in the existing price.

**Mr. Lewis:** The Premier appears to be alive and well in Ontario.

**Hon. Mr. Davis:** It does little to expand energy supply and contains no help for local governments or public transit, and almost nothing for housing, which is a basic economic and social priority, at least in this province.

However, in fairness, it does contain one new reality; namely, much higher gas prices to the average Canadian just as he sets out to enjoy his summer vacation. The timing could not have been worse.

I, therefore, call upon the federal government to take immediate action along the following lines—

**Mr. Lewis:** Oh come on, this isn't the Premier's answer?

**Hon. Mr. Davis:** Firstly, withdraw the 10-cent excise tax on gas, which is discriminatory. It does virtually nothing for conservation.

**Mr. Lewis:** It worked with John White; it won't work with John Turner. Come on, the Premier has to do better than this.

**Hon. Mr. Davis:** It does virtually nothing for conservation, and is not an appropriate method of funding the one-price policy.

Interjections by hon. members.

**Hon. Mr. Davis:** The Leader of the Opposition means he is not in favour of the withdrawal of that tax? He likes that tax?

The Liberal Party of Ontario supports the 10-cent excise tax. Remember that.

**Mr. Speaker:** Order.

**Mr. Lewis:** These are the authors of the budget.

**Hon. Mr. Davis:** The second thing, Mr. Speaker—look what they did to Petro-Can.

**Mr. Lewis:** The Premier is surely not going to stop and do nothing. John Turner isn't John White, he won't back down.

**Hon. Mr. Davis:** The second thing, Mr. Speaker, is we call on the federal government to reduce the scheduled increase in natural gas prices—

**Mr. Lewis:** Oh. Very useful.

**Hon. Mr. Davis:** —as it would put Ontario at a competitive disadvantage with the US and cost the province thousands of jobs.

**Mr. Martel:** Loughheed might object to that.

**Hon. Mr. Davis:** Third, Mr. Speaker, we are asking the federal government to extend the 45-day transition period for the oil-price increase. We do not believe any price increase is necessary until after Labour Day, by which time we will be in a better position to set the appropriate date.

**Mr. Lewis:** Hey, this is not bad.

**Hon. Mr. Davis:** That is what the member said; that's right.

**Mr. Lewis:** That is true. What is the Premier going to do about it now that he has called on the federal government?

**Hon. Mr. Davis:** Fourth, Mr. Speaker, we are calling upon the federal government to expand substantially the totally inadequate funding for housing.

Finally, Mr. Speaker, I have instructed the Treasurer, keeping in mind the fiscal resources Ontario committed in April, first to reassess the performance of our economy and to gauge the impact on this of the federal budget, and to report back to me within 10 days, at which time I shall have more to say on this very critical development.

**Mr. P. Taylor:** Point of order.

**Mr. Speaker:** Point of order.

**Mr. Martel:** That is a lot of fluff but no stuff.

**Mr. Lewis:** The Premier doesn't do badly in opposition; we might make it permanent. Point of order, Mr. Speaker? What was that?

**Mr. Speaker:** The member for Carleton East with a point of order.

**Mr. Lewis:** I am sorry.

**Mr. P. Taylor:** Mr. Speaker, in order that the record be straight, the Premier said that the 10 cent a gallon imposed on gas is going to the federal government, is going to Ottawa; the record should show that the 10 cents is

being collected to help ease the cost of foreign oil in eastern Canada.

**Mr. Speaker:** That's not a point of order.

**Hon. Mr. Davis:** If the member for Carleton East is speaking for the provincial Liberal Party and saying that 10 cents does not go to the federal Treasury to help them with their cash problems because of their irresponsibility in other programmes, great. But don't come here and say that that 10 cents isn't going to the federal government; it is, and he knows it.

**Mr. Speaker:** The hon. member for Scarborough West, a point of order?

**Mr. Cassidy:** The member for Carleton East was just talking with his patron.

**Hon. Mr. Davis:** Don't go too far in helping him; the member will be sorry.

**Mr. Speaker:** Order, please. The member for Scarborough West has the floor.

**Mr. Lewis:** On a point of order, which amounts to a point of information from the Premier: In the excitement of his finale we missed who was reporting back to the Premier in 10 days?

**Hon. Mr. Davis:** The Treasurer will be reporting to me in 10 days.

**Mr. Lewis:** It is the Treasurer we are talking about.

**Mr. R. F. Nixon:** If we are now on questions, Mr. Speaker.

**Mr. Speaker:** The hon. Leader of the Opposition.

**Mr. Martel:** A lot of fluff but no stuff.

**Mr. M. Shulman (High Park):** Cynical joy is displayed for that budget, cynical joy. Look at their faces.

**Mr. Speaker:** Order; order, please. Could we have some order in the House? We start our question period with the Leader of the Opposition.

#### ENERGY PRICES

**Mr. R. F. Nixon:** Thank you, Mr. Speaker. I appreciate your assistance.

Interjections by hon. members.

**Mr. R. F. Nixon:** You see? It is a great day for us. Members of the government thought we would feel badly about this.

I want to ask the Premier, since he was present when the Treasurer presented his budget some two months ago and heard him predicate the financial arrangements on the basis of no increase in oil prices—and we now have not only an increase in oil prices announced for, I believe, the middle of August but an excise tax of 10 cents a gallon which, of course, goes into the general revenues of Canada—

**Mr. G. Nixon (Dovercourt):** Shame

**Hon. Mr. Rhodes:** We heard that.

**An hon. member:** Get the message?

Interjections by hon. members.

**Mr. R. F. Nixon:** —why is the Premier waiting for a further 10 days—

**Hon. J. White (Minister without Portfolio):** What's the member's policy?

**Mr. R. F. Nixon:** —in order to hear from the Treasurer of the impact of this, since obviously the budgetary provisions we are now operating under have had the foundations kicked out from under them. Obviously we need a new budget. Will he announce that the House will stay in session until we are presented with a new budget which will take into account the dramatic changes which have been effected by the announcements in Ottawa yesterday?

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, I think something is very obvious from yesterday's budget. It was done with great haste, with no real direction or thrust.

**Mr. MacDonald:** Two months. How hasty can one get?

**Hon. Mr. Davis:** Which is totally different from the budget of the Province of Ontario of a couple of months ago. I am saying to the Leader of the Opposition, we are not going to make the same mistake which has obviously been made by his federal colleagues.

The budget introduced by the provincial Treasurer in this province had two objectives: One was to stimulate the economy, the other was to deal with inflation. Within the limits of the jurisdiction available to us, I think it was an excellent budget. In comparison—well, there is no comparison.

The Treasurer and others will be reassessing our own position over the next 10 days. I shall have more to say about it but we do



not intend to act off the top of our heads which is almost the impression I got, at about 9 o'clock last night, of the budget in Ottawa.

**Mr. R. F. Nixon:** A supplementary: If we can cut through the rhetoric the Premier is enjoying—he hasn't had a good day for a long time and it's nice to see him in action—

**Mr. Yakabuski:** The member's days are numbered.

**Hon. Mr. Rhodes:** He doesn't get back; he gets even.

**Mr. R. F. Nixon:** It's nice to see the Premier smiling at what he considers the catastrophic misfortunes—

**Mr. Speaker:** Does the Leader of the Opposition have a supplementary question?

**An hon. member:** Leave it to the Liberals.

**Mr. R. F. Nixon:** A supplementary question, Mr. Speaker: We in this House must deal with the problems as they are presented in this province.

**Mr. Lewis:** By the federal Liberals.

**Mr. R. F. Nixon:** Of course. The problems are a part of this budget.

**Mr. R. K. McNeil (Elgin):** Will the member be the candidate for leadership at the next election?

**Mr. Lewis:** That's how we spend most of our time around here, dealing with Liberals.

**Mr. G. Nixon:** How about another one?

**Mr. R. F. Nixon:** Surely, the Premier can indicate some actions that will be taken other than fulminating against the inadequacies of the federal budget?

**Hon. Mr. Rhodes:** Back to a two-party system.

**Mr. Lewis:** I hope not.

**Mr. R. F. Nixon:** We have a budget ourselves of over \$10 billion, we have powers to do certain things which have been put before this administration now for many weeks. How can the Premier wait when he knew this oil price increase was coming and there should be some basis of action we can enter into right now? Why can't we?

**Hon. Mr. Davis:** I want to say this to the Leader of the Opposition: It might have been a matter of judgement as to whether there would have been an increase in terms of the price per barrel.

**Mr. R. F. Nixon:** The Premier should have had plans. He must have plans.

**Hon. Mr. Davis:** Mr. Speaker, I would only say this to the Leader of the Opposition: He may have had some advance notice—

**Mr. R. F. Nixon:** I did not. Of course, I did not.

**Hon. Mr. Davis:**—about the 10-cent excise tax increase but I tell this House it was never discussed, never thought of, and I think it is irresponsible.

**Mr. R. F. Nixon:** On a point of order, Mr. Speaker, let me disabuse both you and the Premier in case there's any indication that there was any advance notice because, of course, there was none.

**Hon. Mr. Davis:** The member said we knew about it. We didn't know about the 10 cents at all.

**Mr. R. F. Nixon:** They are the government of the province and they are dealing with the government up there.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** Why have they not got alternatives under these circumstances?

**Mr. Speaker:** The member for High Park has a supplementary.

**Mr. R. F. Nixon:** It's an irresponsible statement.

**Mr. Shulman:** Is the Premier in a position to advise us how much the \$1.5-billion deficit he planned on will now be increased?

**Hon. Mr. Davis:** Mr. Speaker, the answer to that is no.

**Mr. Speaker:** The hon. member for Scarborough West with a supplementary.

**Mr. Lewis:** A supplementary, if I may: Since the Premier has been wrong in his expectations of the federal government on every single occasion in the last several weeks and months, and will undoubtedly be wrong in his requests of them again in expecting a positive response, putting aside therefore the caterwauling at the barn door, can the Premier tell us why he is willing to wait 10 days when the prices are already going up now but he knows, as Premier, that if he insists that the Ontario Energy Board review the increases immediately, that no price increase may be necessary for the Province of Ontario until he, as Premier, permits it?

**Hon. Mr. Davis:** Mr. Speaker, with great respect, that argument might or might not have application to the increase—

**Mr. MacDonald:** It has constitutional validity.

**Hon. Mr. Davis:** Just a minute. Let me finish. It might or might not have application to the increase that relates to the \$1.50 per barrel. The 10-cent excise, which is on the wholesale price of gas and could reflect itself almost like yesterday or tomorrow, is a different matter altogether.

I just want to clear up some misapprehension in the minds of the members opposite. We didn't guess wrong with respect to the federal government. We put what we thought was a totally rational and logical position to them, which in light of last night's budget I would say—and I say this as objectively as I can—is still logical, rational and intelligent for the state of Canada's economy at this precise moment.

**Mr. Lewis:** I don't disagree with that.

**Hon. Mr. Davis:** Well, just don't say we have been—

**Mr. Lewis:** But the government knew it would lose, and it lost. It made a calculated gamble and it lost.

**Hon. Mr. Davis:** No, Mr. Speaker, I guess I always live in hope that intelligence and rationality—

**Mr. Lewis:** Never mind that—try reality.

**Hon. Mr. Davis:** —will sometimes prevail. In this case—

**Mr. Speaker:** Would the member for Scarborough West come to order, please?

**Mr. Lewis:** What is wrong with the Premier?

**Mr. R. F. Nixon:** A supplementary: On the basis of the Premier's indication that he is going to get some further recommendations from the Treasurer within 10 days, would he ask the Treasurer to assess the possibility of at least controlling the increase of energy prices recommended by Ontario Hydro, which is a 29 to 30 per cent increase?

**Mr. Yakabuski:** Oh, forget the smoke-screen.

**Mr. R. F. Nixon:** Look, let's be serious about this. Why should this area, which comes under the direct jurisdiction of this government, not be subject to the same kind of re-

view that the Premier is indicating he is demanding from the government of Canada? There is not a difference, and there should be a review of these price increases.

**Hon. Mr. White:** The Leader of the Opposition struck out again.

**Hon. Mr. Davis:** You know, that question is so silly I feel badly about it.

**Mr. R. F. Nixon:** It is not silly.

**Hon. Mr. Davis:** Listen, the price request is already under review by the Ontario Energy Board; it is functioning for that precise purpose and the Leader of the Opposition knows it.

**Mr. R. F. Nixon:** A supplementary to that: A review can only operate effectively and intelligently if the government's position is known—

**Hon. Mr. Rhodes:** Be nice now.

**Mr. R. F. Nixon:** —and the government ought to be putting a position before that board that it is not going to permit the increase. That is quite within the government's powers.

**Hon. Mr. Rhodes:** The leader of the Opposition should quit trying to change his image. He is a nice guy. He can't change his image.

**Mr. Yakabuski:** The member is a provincial socialist and a federal Liberal.

**Mr. Speaker:** Order. One more supplementary. The member for Thunder Bay.

**Mr. J. E. Stokes (Thunder Bay):** I have a supplementary for the Premier. Since the price of gasoline in northern Ontario was already 15 cents a gallon in excess of what it was in the south, and since the price of home heating oil was 10 to 15 cents a gallon greater in the north even before the announcement by the federal government, is the Premier in a position to indicate that he might come to the assistance of users in northern Ontario, particularly senior citizens, with regard to some kind of subsidy to them for home heating oil?

**Hon. Mr. Rhodes:** That is too gentle.

**Hon. Mr. Davis:** Mr. Speaker, we have been through this discussion before, which will be compounded in terms of price for senior citizens, not just in northern Ontario but throughout the whole country.

**Mr. Stokes:** It is cold up there.

**Hon. Mr. Davis:** Mr. Speaker, to get into a discussion as to the specific areas of the Province of Ontario, until such time as we assess the impact of the federal budget and hear what the Treasurer will be reporting, I think would be doing a disservice. I am concerned about senior citizens in the north, but I have news for the hon. member: I am very concerned about the senior citizens one mile away from this building and the price impact it will have on them; it is going to affect them too.

**Mr. Lewis:** Then do something about it.

Interjections by hon. members.

**Mr. Lewis:** Are we still on the general theme?

**Mr. Speaker:** I said that would be the last supplementary.

**Mr. Lewis:** Well, I can open it up again.

**Mr. Speaker:** The Leader of the Opposition with a new question.

#### HYDRO RATES

**Mr. R. F. Nixon:** I would like to pursue the matter with a new question to the Premier on the basis of the expected hearings before the Energy Board having to do with Hydro price increases—

**Mr. Yakabuski:** Oh, that smoke-screen again?

**Mr. R. F. Nixon:** Is the Premier aware that these hearings have been twice postponed—

**Hon. Mr. White:** Very weak stuff.

**Mr. R. F. Nixon:**—and that there is a clear indication that because of a reduction in our exports of energy to the United States the whole load increase pattern that is going to be a direct responsibility of this House is changing rapidly? On the basis of that information why would the Premier not indicate to the Minister of Energy that there should be a presentation made that is opposed to this 29 to 30 per cent increase? Why couldn't the government do this?

**Hon. Mr. Davis:** Mr. Speaker, I answered that question last week.

**Mr. R. F. Nixon:** A supplementary: Is the Premier not aware of the new information that was available over the last two or three days which indicates clearly that the load growth figures have changed dramatically because of the change in the American economy;

and that the growth rate is going to be somewhat reduced, probably by four per cent, which is going to change dramatically the requirements of the Hydro increase?

**Mr. Lewis:** That was the recommendation of the board last year.

**Mr. R. F. Nixon:** Yes. How can we sit here and criticize another level of government—and I believe it should be criticized—

**Mr. Speaker:** All right, that's not a supplementary.

Interjections by hon. members.

**Mr. R. F. Nixon:**—when this government is not prepared to do anything, but laugh and refuse to answer the question?

**Mr. V. M. Singer (Downsview):** The government is not prepared to do anything.

**Mr. R. F. Nixon:** At least answer the question.

**Mr. Speaker:** Order.

**Mr. Lewis:** A supplementary on that specific matter of Ontario Hydro: How is it that the one major recommendation of the Ontario Energy Board, to reduce the peak levels of 27 per cent down to 23 per cent, which is now borne out by experience, has been resisted by Ontario Hydro? How long will the Premier allow them to resist a recommendation from the board?

**Mr. R. F. Nixon:** The Premier says there is no new information.

**Hon. Mr. Davis:** Mr. Speaker, I think that question should be properly directed to the Minister of Energy—

**Mr. Lewis:** It shouldn't. It is supplementary to the question.

**Mr. R. F. Nixon:** The Minister of Energy doesn't even know what is happening.

**Hon. Mr. Davis:**—but I am quite prepared to discuss this. I don't know how it relates, really, to the statement that I made, but I will just try once again to explain to the members opposite the functioning of the Ontario Energy Board, if they so desire. I shall try to draw a distinction between the increase in the price of natural gas and oil and the proposed rate increase by Ontario Hydro, if the members want me to restate all of the observations that I made last week.

**Mr. Lewis:** The Premier made them already.



**Hon. Mr. Davis:** Yes, that's right, and I think they're actually quite relevant. So, unless somebody wants me to restate them, let's read Hansard and the members will have the answer.

**Mr. Lewis:** They are wrong, but they are relevant.

### ENERGY PRICES

**Mr. R. F. Nixon:** I have a new question. I would like the Premier to make it a little clearer to the House and the people of the province just what the indications are of the 10-day delay? Presumably, if we are to take the statement of the Treasurer at the time of the presentation of his budget, then this budget under which we are presently working, if not now irrelevant, at least has its application seriously reduced. Are we then to expect that there is a real opportunity, or a real chance of a well-considered additional budget? If so, would the House be called into session later in July or in the fall; because, if we're going to cope with the changing economic pressures, surely we cannot delay until the autumn to consider a matter of this importance? What kind of timetable has the Premier?

**Hon. Mr. Davis:** Mr. Speaker, I can only restate what I said a few moments ago, that we intend to look at this thing very carefully and the Treasurer will be reporting within 10 days. What his recommendations may or may not be I cannot predict. Quite obviously, if it involves further considerations of a financial nature by the government, the House will obviously have to deal with them. If there aren't, then we won't. The hon. Leader of the Opposition knows the facts of life.

**Mr. Roy:** Is the Treasurer going to report to the House?

**Hon. Mr. White:** It's a sad day for the Liberals.

**Mr. R. F. Nixon:** I have one supplementary to pursue this. The Treasurer made it clear that the basis of our budget now depended on no increase in oil price. We've had a dramatic increase in oil price, but it seems to be obvious that as soon as the government can gather itself together we're going to have to have a change in the emphasis in our own budget. Why can't there be an announcement of an intention of that type? Was his basis for the first budget wrong or were we not supposed to take him seriously?

**Hon. Mr. Davis:** Mr. Speaker, I would say that the basis of the budget of the Treasurer of this province was one of great intelligence, of substance, of logic, of rationality—which is escaping me in terms of the federal budget. That is a very distinct difference.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** I would like to go back to the Premier and talk about what Ontario can do for Ontario. Why is he willing to let the excise tax be passed on at all, since it is paid by the producers and the importers but is only passed on to the consumer by the retailers if we permit it? Why does he not then, as Premier, insist on a freeze at the pump today, based on yesterday's prices, and then go to the Ontario Energy Board and see what the appropriate price should be?

**Mr. Breithaupt:** Yesterday starts today.

**Hon. Mr. Davis:** Mr. Speaker, as I tried to point out, we are dealing with two not separate but related problems. One is the excise tax imposed now on the existing price to the wholesaler which will be passed on to the retailer and to the consumer. The question of the \$1.50 per barrel does not come into effect.

**Mr. Lewis:** It doesn't need to be.

**Hon. Mr. Davis:** What the leader of the New Democratic organization is suggesting is that we roll back the price by 10 cents per gallon.

**Mr. Lewis:** What does the Premier say we are suggesting?

**Hon. Mr. Davis:** That we roll the price back by 10 cents.

**Mr. Lewis:** By way of supplementary, in order to vindicate his public stand and protect the consumers of Ontario, why is the Premier allowing the excise tax to be passed on automatically without insisting on a public review of the entire gasoline pricing system? Why does he capitulate to 10 cents more per gallon for the consumers of Ontario when he doesn't have to? Why is he waiting?

**Hon. Mr. Davis:** Mr. Speaker, we are not capitulating at all.

**Mr. Lewis:** Sure he is.

**Hon. Mr. Davis:** It's a federally imposed tax as of last night. Mr. Speaker, I have sent a Telex to all the heads of the oil companies related to the 45 days in terms of the \$1.50. The 10 cents is a tax imposed by the federal government to take effect as of last night.

Interjections by hon. members.

**Mr. Lewis:** By way of supplementary, surely the Premier understands that the excise tax is imposed, right here in the regulations which we've read, on the producer or the importer but not on the consumer unless the Premier joins with the federal government in allowing the tax to be imposed on the consumer?

Interjections by hon. members.

**Mr. Lewis:** By way of supplementary, why does the Premier not say now when he has the chance that we insist on a freeze?

Interjections by hon. members.

**Mr. Yakabuski:** Let the leader of the New Democratic Party be honest.

**Mr. Lewis:** What is wrong with this government?

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Lewis:** This is part of the petard with which the Premier is hoist, because there is no answer to this if he capitulates. Why does the Premier not say we impose a freeze on the prices as they were and we will examine all the ingredients that make up the final price charged to the consumer and only then we will permit an increase if any? Why does he allow the increase to go now?

**Hon. Mr. Davis:** Mr. Speaker, it is not a question of allowing the increase. I will restate it once again. The excise tax has been imposed by the federal government on the existing price.

**Mr. Lewis:** On the producer only.

**Mr. J. F. Foulds (Port Arthur):** But not on the consumer.

**Mr. Speaker:** Order, please.

**Mr. Lewis:** The Premier gives in to them always and then yells about it after. I have another question, Mr. Speaker.

**Mr. Speaker:** I think the member for York South has a supplementary.

**Mr. MacDonald:** Supplementary: Since the province constitutionally has control of the regulation of prices at the retail level, a fact that has been reaffirmed in the experience in Nova Scotia in control of energy prices in recent months, why can't this government act to fix the prices at the retail level until it has an opportunity to review them with the

Energy Board? Why can't it exercise its constitutional powers?

**Hon. Mr. Davis:** The prices in Nova Scotia, even with their system, are higher than they are here in the Province of Ontario.

**Mr. MacDonald:** Oh, come on.

**Hon. Mr. Davis:** Certainly they are.

**An hon. member:** They are.

**Mr. Speaker:** The hon. member for High Park has a supplementary.

**Mr. Shulman:** Is the Premier denying that he has the right to fix the retail prices? Is that what he is saying?

**Hon. Mr. Davis:** No, Mr. Speaker, I am not.

**Mr. MacDonald:** Do it then. What is the Premier waiting for?

**Mr. Lewis:** What a whimper to end with after that statement!

**Mr. Speaker:** Does the member for Scarborough West have a new question?

**Mr. Lewis:** The next question then is, why is the Premier calling on the federal government to ask it to make sure that the inventory stocks are exhausted over an extended period of time, when again it is Ontario's right to dictate when the price increase on the \$1.50 section will take effect? Why doesn't the Premier exert his right there? What's wrong with him? Does he mean he gives up on that as well and won't do anything?

**Hon. Mr. Davis:** The member won't listen.

Interjections by hon. members.

**Mr. Breithaupt:** The member for London South might even be the next Treasurer with his luck.

**Mr. Lewis:** May I ask, since he knows the inventories—

**Hon. Mr. Rhodes:** I can see Elmer Sopha running for the woods right now.

**Mr. Martel:** I wouldn't want that thug the Conservative Party has got running for us.

**Mr. Speaker:** Order, please.

**Mr. Lewis:** Mr. Speaker, if I may, a question of the Premier: Since the Ontario Energy Board last year dealt with inventory stocks in connection with the natural gas increase so effectively they were just about

on, why does the Premier not give to the board on this occasion the right to indicate when the price increase on the additional \$1.50 per barrel as reflected at the pump should take effect? Why does he always retreat right at the point when he can protect the consumer?

**Hon. Mr. Davis:** Mr. Speaker, we don't and we haven't and we shan't; I won't read all of the Telex sent to the companies. The Minister of Energy would be delighted to relate to the member what he has sent to the federal minister in terms of the 45 days, which is totally unsatisfactory. We intend to have discussions with the companies and with the federal government. Our own guestimate—and that's why I said in my statement around Labour Day—is a much closer date as it relates to existing inventories.

**Mr. Lewis:** Well, does the Premier appreciate that the one thing today that this government has in common with the federal Liberals is a willingness to let the oil companies run Ontario's economy ragged?

**Hon. Mr. Davis:** No. No.

Interjections by hon. members.

**Mr. Lewis:** That is exactly what this government has done.

Interjections by hon. members.

**Mr. Lewis:** That is exactly what it has done.

Interjections by hon. members.

**Mr. Lewis:** And no one understands—I want to understand, we want to understand—why it is that the Premier isn't prepared to bring the oil companies before the Energy Board when he is prepared to bring the natural gas companies before the Energy Board.

**Mr. Yakabuski:** Throw him out; there's no question.

**Mr. Lewis:** There's no answer to that either.

**Mr. Speaker:** Does the hon. member have any further questions? If not, the Minister of Transportation and Communications has the answer to a previous question.

#### WHITBY PSYCHIATRIC HOSPITAL

**Mr. Lewis:** I have one other question of the Minister of Health on an entirely different

matter which one of my colleagues is very concerned about. I would like to open it up.

There is immense anxiety, we are told, in the **Whitby Psychiatric Hospital**, at the apparent cutbacks which will affect the medical staff and therefore patient treatment. Anxiety and near panic is running through some of the echelons of the hospital. Has the minister involved himself? Has he looked into it?

**Hon. Mr. Miller:** Mr. Speaker, I have talked to the member for Oshawa (Mr. McIlveen) and other members of my own caucus have talked to me about this problem and it is not as widespread as it may seem on the surface. There are a number of temporary staff who were affected by the overall budget constraints within the ministry this year, rather than permanent staff. I have asked for a report on it in detail and I expect to have it very soon.

**Mr. J. Duksza (Parkdale):** A supplementary, Mr. Speaker: When the minister says there are only a few who have been affected, is he aware that as of July 1 the administrator has told nine part-time physicians that their services will no longer be required, which will affect directly 45 per cent of all medical services in the hospital and increase the load of the physicians from 30 patients per physician to 60? Is this what he calls a temporary and a minor disarrangement?

**Hon. Mr. Miller:** Mr. Speaker, once I have my report back, I'll let the members know.

#### ENERGY PRICES

**Mr. Lewis:** I am almost apologetic for this, but I want to come back to the Premier on one matter which continues to perplex me.

If I understand what has happened correctly, Ontario is apparently willing to allow the 10 cent per gallon tax to go on without any suggestion that it can be reviewed or frozen in advance of application. We are not setting for ourselves, but merely responding to the federal government, in regard to the point at which the \$1.50 is applied; we will take no initiative to dictate our own dates in defence of the consumer; and we have indicated no conceivable alternative, either by way of energy tax credit, Ontario Energy Board review, or even gasoline tax decrease, as a response.

I ask the Premier, in the light of all the events for the last two months, does he think it is responsible government to allow the increase to take effect in this fashion without



being able to provide one single alternative to the people of the province the following day?

**Mr. E. M. Havrot** (Timiskaming): Let's not pay income tax.

**Hon. Mr. Davis:** Mr. Speaker, I don't want to appear to misunderstand the leader of the New Democratic group. He made three assumptions—

**Mr. Lewis:** Party — group — operation — organization—

**Hon. Mr. Davis:** All right. The member made three assumptions that are totally wrong.

**Mr. Lewis:** Yes? Which ones? Which ones?

**Hon. Mr. Davis:** And I know it's political. Well, that's fine; we can play a little politics too.

**Mr. Deans:** It is not political.

**Hon. Mr. Davis:** Certainly it is.

Interjections by hon. members.

**Hon. Mr. Davis:** We are not acquiescent. The 10-cent tax is imposed as of last night. We are not acquiescing in terms of the 45 days.

**Mr. Lewis:** Heavens above; it is not political!

**Hon. Mr. Davis:** We are seizing the initiative in terms of the 45 days with respect to what may or may not emerge in terms of the Treasurer's reassessment, Mr. Speaker, and we will report on it in 10 days. That doesn't take effect, under the federal proposal, until mid-August.

**Mr. Lewis:** The Premier should quote his own terms then; he is capitulating.

**Mr. Renwick:** No initiative today at all. It will be all over by then.

**Mr. Lewis:** The game will be all over then.

Interjections by hon. members.

**Mr. Speaker:** Order, please. Let the Premier answer the questions.

**Hon. Mr. Davis:** But the member is wrong on all three assumptions. He is wrong on all three.

**Mr. Speaker:** Is this a supplementary?

**Mr. Roy:** No, it's a new question.

**Mr. Lewis:** The Premier is throwing in the towel.

**Mr. Speaker:** The Minister of Transportation and Communications has an answer to a previous question.

**Mr. Lewis:** The Premier should call an election on this, but he hasn't the stamina to do that either.

## MOPEDS

**Hon. Mr. Rhodes:** Mr. Speaker, on Friday last the member for Windsor West asked me a question in two parts. Briefly, one part involved the recognition of the motor-assisted bicycles to enter provincial parks on a vehicle permit; the other concerned the charges that might be levelled at the federal parks.

While the question might have been more properly addressed to my colleague, the Minister of Natural Resources, I have discussed it with the minister. I am advised that with the respect to entry into Ontario provincial parks, there is no charge; they are permitted in free.

In the matter of entry into national parks, it appears to be the case that there is a fee for these vehicles entering the national parks. I believe it to be \$2 per vehicle per day. I understand that is as a result of the National Parks Act which says: "Any vehicle that is propelled by any power other than muscular power is charged a fee." That is in the National Parks Act. It is not within the authority of this government to change or set the fees for entry into the national parks.

**Mr. Speaker:** The hon. member for Windsor West.

**Mr. E. J. Bounsall** (Windsor West): Supplementary: Is the minister not approaching the national parks organization and asking them to classify for entry without fee into their parks, vehicles which the ministry in Ontario has classified as bicycles?

**Hon. Mr. Rhodes:** No, Mr. Speaker, I have not. We have just been discussing for the last hour the futility of contacting the federal government on anything.

**Mr. Speaker:** The hon. member for Ottawa East.

## COSTS OF HEALTH CARE

**Mr. Roy:** Mr. Speaker, I want to ask the Minister of Health a question relating to the announcement last night in the budget con-

cerning the limits on health cost-sharing programmes with the provinces. Will the minister advise whether he has any programmes whereby he will be curbing the increase in health costs provincially to fit in with the increases that are going to be permitted by the federal government, or does he believe he can live within the 13 per cent increase that's predicted for next year.

**Hon. Mr. Miller:** Mr. Speaker, the announcements that were probably missed in the statement last night by the federal Finance Minister that are of very grave importance for this province, were those that related to the sharing of health care costs.

**Hon. Mr. Davis:** That's another dandy.

**Hon. Mr. Miller:** Now if I have ever seen any example of unilateral decision-making without consultation with the provinces, that is it. We have been negotiating, patiently, for four years with the federal government to get a means of sharing health care costs that would allow the provinces to use their own discretion and to set their own priorities, instead of sharing on only those most costly services, the hospital and the physician. In the face of that, without any further consultation, they have unilaterally set guidelines. They started the plan; it has got out of control. They have unilaterally limited the amount they will put into it. I don't know how we'll live within it. The Treasurer and I will have to talk about that.

**Hon. Mr. McKeough:** The greatest wrecker of Confederation—

**Mr. Speaker:** Supplementary.

**Mr. Roy:** Mr. Speaker, if I might, a supplementary on this: In view of the fact that this government has been negotiating on this since 1971 and was not able to arrive at any agreement, the minister should have been in a position to predict a unilateral decision. In view of that, what are this minister's plans to fit in with the increase that will be coming in from the feds?

**Hon. Mr. McKeough:** Stop trying to defend the federal grants.

**Mr. Roy:** I am not defending them at all. The government is going to have to fight us, not the feds.

**Hon. Mr. McKeough:** The member certainly is. He defends them all the time.

**Mr. Roy:** The minister is going to be fighting us, not the feds.

**Hon. Mr. McKeough:** They are just a bunch of patsies over there. Just a bunch of patsies on the federal grants.

**Mr. Speaker:** The Minister of Health has the floor.

**Hon. Mr. Miller:** The last time a similar breach of faith took place was on Pearl Harbour day, when we were in the middle of negotiations with the Japanese and they bombed Pearl Harbour. We were negotiating with the federal government when that unilateral decision came out.

**Mr. R. F. Nixon:** The member for London South thinks that is a great line.

**Mr. Lewis:** Well that was certainly the perfect analogy, Mr. Speaker.

**Mr. Speaker:** The hon. member for Thunder Bay.

**Hon. Mr. McKeough:** They are so embarrassed over there they should leave.

Interjections by hon. members.

**Mr. Speaker:** The hon. member for Thunder Bay has the floor.

Interjections by hon. members.

**Mr. Stokes:** I have a question of the Minister of Natural Resources.

**Hon. Mr. McKeough:** The Leader of the Opposition is so embarrassed over there that he shouldn't have shown up.

Interjections by hon. members.

**Mr. Duksza:** Supplementary.

**Mr. Speaker:** Order, please. We have passed the supplementary stage on that particular question. Now we have the member for Thunder Bay with a new question.

#### LAKE NIPIGON FISHERMEN

**Mr. Stokes:** I have question of the Minister of Natural Resources. Since the minister has already been quoted as having said his government will authorize the commercial fishermen of Lake Nipigon to market their fish outside of the Freshwater Fish Marketing Corp., when can those fishermen expect authority by way of order in council to allow them to do that?

**Hon. L. Bernier** (Minister of Natural Resources): Mr. Speaker, it is my understanding that this regulation went through the regulations committee last week and they should be

notified as of this week. I'll certainly check on it. It was my understanding they could proceed immediately.

**Mr. Speaker:** The hon. member for Sarnia.

### FEDERAL BUDGET

**Mr. Bullbrook:** I'd like to direct a question, if I may, to the Premier. Recognizing my lack of knowledge and almost ignorance of economic matters, I wonder if he could explain to me, since the federal budget is approximately three times our budget and the federal deficit is approximately three times our deficit, how he could characterize their budget as, I think, fractious, inefficient, and irresponsible, and ours as the essence of responsibility and showing great restraint?

**Hon. Mr. Davis:** Mr. Speaker, I think one can make those comparisons very readily. If the hon. member would like to take an hour or two with the Treasurer and others, and I'd be delighted to join the discussion, I think we could explain it to him in a way that both of us would understand—

**Mr. Reid:** Not "we," just the Treasurer; The Premier doesn't understand.

**Hon. Mr. Davis:** —and he would end up agreeing as to the differences between the two budgets. I don't think there is any question about it.

**Mr. R. F. Nixon:** The Premier has added \$4.2 billion to the existing debt; that is the Bill Davis record.

**Mr. Speaker:** The hon. member for Eglington.

**Mr. L. M. Reilly (Eglington):** Mr. Speaker, I have a question of the Minister of Housing.

**Mr. Stokes:** He is not here.

**Mr. W. Ferrier (Cochrane South):** The member has his signals crossed.

**Mr. Reilly:** We don't cross signals as far as I am concerned.

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

### SOLAR ENERGY

**Mr. F. A. Burr (Sandwich-Riverside):** I have a question of the Minister of Energy regarding the recent revelation that capital costs for Canada's future conventional energy supplies will be \$20,000 per household. In

view of the fact that in addition to these astronomical capital costs there will be the regular fuel bills for every residence and industry, does the minister not agree we must make every possible effort to speed up the introduction of various solar energy systems for which the fuel will be free and eternal?

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, I think the fact that this ministry, in co-operation with other levels of government and the industry, has this year inaugurated the first two solar energy projects in the country, and the fact that yesterday, as the member knows, I announced the government's project for the evaluation of wind energy indicate we are taking every step possible. I think, though, if the hon. member is suggesting that in some way solar energy, wind energy or something like them, will in the next five to 10 years become a source of power to challenge what we now consider to be conventional sources, I am afraid he is mistaken. There is no question that some time in the future, probably looking 20, 30 or 40 years ahead, we have to look for more of these sources, but we are just getting started.

**Mr. Stokes:** He had better start looking seriously right now.

**Mr. Burr:** Supplementary: Has the minister forgotten the report of the American solar energy panel of 1972 which predicted that with proper research, money and development they could bring in solar energy for heating in the first five years, solar energy for air conditioning in the second five and solar energy for electricity on a widespread basis in the next five? That doesn't add up to 40 or 50 years.

**Mr. Bounsall:** He should get his five-year plan going here.

**Hon. Mr. Timbrell:** Mr. Speaker, I must admit I don't recall that specific report, although there are a number of things I have read on it.

I would say two things: First of all I don't know where the member is getting the figure of \$20,000 per home capital costs.

**Mr. Burr:** It is in the paper.

**Hon. Mr. Timbrell:** It may be in the paper but that doesn't mean it is right; with all due respect to the gallery.

**Mr. R. F. Nixon:** That's a new line.

**Hon. Mr. Timbrell:** Secondly, without question a great deal can be done in terms of heat-



ing and cooling with solar energy. The big problem is the capital cost. There is no question, for instance, that in the case of the Provident House, in which we are assisting—

**Mr. Burr:** It is not \$20,000 a household.

**Hon. Mr. Timbrell:**—on construction, north of Toronto, not only can it be done, it will be done. But it is extremely expensive. It is not yet, and to be honest with you and the public, frankly, I can't see it for many years to come, being economically viable.

**Mr. Speaker:** The member for Windsor-Walkerville.

### RAILWAY RELOCATION

**Mr. B. Newman** (Windsor-Walkerville): Thank you, Mr. Speaker, I have a question of the Premier. The Premier is aware of the city of Windsor's concern with railway relocation, especially after his pleasant visit to the community last Wednesday. Has the Premier given favourable consideration to including the city of Windsor as one of the four centres which would have railway relocation plans studied?

**Hon. Mr. Davis:** I certainly enjoyed my visit to Windsor last week but I think really that question should be directed to the responsible minister, the Minister of Transportation and Communications.

**Mr. Roy:** Was the Premier wearing his medal?

**Mr. B. Newman:** May I redirect that question?

**Mr. Speaker:** You may redirect that question.

**Mr. Roy:** Did the Premier wear his medal to Windsor?

**Hon. Mr. Rhodes:** Mr. Speaker, as the hon. member probably knows, we had entered into an understanding with both the Minister of State for Urban Affairs and the representatives of the Provincial-Municipal Liaison Committee that after discussions eight communities within the province would be considered for studies for railway relocation.

At a recent meeting with the PMLC—last Friday—the eight communities were submitted to the PMLC for their consideration and they are to determine, in conjunction and conversation with representatives of the federal staff and my own staff, which four of the eight we will proceed with.

My ministry has made a recommendation, after discussion with the Minister of Housing and the Treasurer, as to which four communities we think should be considered. I would respectfully ask the member not to ask me if Windsor was one of those included because we have said we would not make any public announcement until PMLC had made their recommendation.

**Mr. B. Newman:** A supplementary, Mr. Speaker: May I ask the minister if he will seriously and favourably consider Windsor's suggestion that it be included?

**Hon. Mr. Rhodes:** Mr. Speaker, I am favourably considering all eight of them. It is up to the PMLC to decide on the four.

**Mr. Speaker:** The member for Parkdale.

### LAKESHORE PSYCHIATRIC HOSPITAL

**Mr. Duzsza:** I want to ask another question of the Minister of Health about the three per cent general cut in budgets.

Is he aware that at the Lakeshore Psychiatric Hospital the crisis unit has been abolished; that adolescent services have now been curtailed because the administrator has not filled the occurring vacancies; and that generally by this action he is creating a really serious risk with the psychiatric services and is turning the hospitals back again to being custodial institutions?

**Hon. Mr. Miller:** Mr. Speaker, like all ministries in government we have been putting into effect the three per cent complement cut. In view of the fact that most of our psychiatric hospitals are less than 50 per cent full of patients living in, it was believed, and I still believe, that the three per cent cut can be effected without any material change in the level of service.

**Mr. Duzsza:** A supplementary, Mr. Speaker: Is the minister aware that this three per cent cut in general budget really means much more than that? He has not allowed for the increase in inflation and the fact that the hospitals operate on a budget from the previous year and not this one. In effect, he is making a 15 per cent cut in general services with the consequent detriment to the health/patient services working out to approximately one-fifth.

**Hon. Mr. Miller:** Mr. Speaker, I don't think the member's figures are correct. We have allowed for inflation. It intrigues me: On the one hand we are being damned for

spending too much money and the moment we try to save it we are damned for making any savings. I don't know how we win the fight.

**Mr. Shulman:** The minister is saving the wrong way. A supplementary, Mr. Speaker.

**Mr. Speaker:** Okay, one more supplementary.

**Mr. Shulman:** If, as he says, the institutions are half full, why doesn't the minister close half of them and leave the others properly staffed and save some real money?

**Hon. Mr. Miller:** That's a brilliant suggestion.

**Mr. Shulman:** Well, he should.

**Mr. Speaker:** The member for Essex-Kent.

#### PROCESSING PLANT STRIKE

**Mr. R. F. Ruston (Essex-Kent):** Thank you, Mr. Speaker. I have a question for the Provincial Secretary for Resources Development in the absence of the Minister of Agriculture and Food (Mr. Stewart)—and we all hope he returns soon to the House: Is the minister aware that a strike is on at the Omstead processing plant; that the farmers cannot deliver their peas there and it's causing a great hardship to many in the area?

**Hon. Mr. Grossman:** Mr. Speaker, I am not; but I will draw it to the attention of the appropriate officials.

**Mr. Speaker:** Supplementary from the member for Essex South.

**Mr. D. A. Paterson (Essex South):** When the hon. minister is looking into this matter, would he check with the crop insurance commission to verify their attitude in relation to the coverage any farmers may expect, based on information that has been given to them by the parliamentary assistant to the Minister of Agriculture and Food? I believe these two sources are at odds in relation to this matter.

**Hon. Mr. Grossman:** I will be very pleased to do so.

**Mr. Speaker:** The member for York South.

#### COW-CALF ASSISTANCE PROGRAMME

**Mr. MacDonald:** Mr. Speaker, in the absence of the Minister of Agriculture and Food, have I permission to ask a question of his parliamentary assistant?

**An hon. member:** No, the policy secretary.

**Mr. Speaker:** I think the member should ask the question of the policy secretary.

**Mr. Lewis:** Oh, no; don't do that.

**Mr. MacDonald:** My question, then, to the policy secretary.

**Mr. Lewis:** What a disaster.

**Mr. MacDonald:** Now that the ministerial officials have had still further meetings with farmers, can the provincial secretary indicate when the government is going to be in a position to announce its programme for cow-calf assistance?

**Hon. Mr. Grossman:** Mr. Speaker, very shortly.

**Mr. Lewis:** Mr. Speaker, supplementary: What is wrong with the government that it offers privately to the farmers only the equivalent of 50 cents, without making it retroactive and without recognizing that the real cost is 71 cents; and doesn't it realize those farmers will go down the drain anyway, even with the minor supplement?

**Hon. Mr. Grossman:** Mr. Speaker, I don't think that's a question; but there is nothing wrong with this government and we will make sure the farmers will never go down the drain.

**Mr. Speaker:** Supplementary from the member for Rainy River.

**Mr. Reid:** Has the minister got the report of this morning's meeting in which the farmers from northern Ontario told the parliamentary assistant and the others there that the programme was of no use to them at all; that the government's figures were completely unrealistic and they had to have a minimum of 71 cents or the programme did them no good at all? Does the provincial secretary know that?

**Hon. Mr. Grossman:** The answer is no, Mr. Speaker.

**Mr. Speaker:** The member for Carleton East.

#### CANCER TREATMENT AT OTTAWA HOSPITAL

**Mr. P. Taylor:** Thank you, Mr. Speaker. I would like to thank the Minister of Health for responding to my questions of the last two weeks with respect to the cancer clinic at the Ottawa Civic Hospital.

In the minister's statement at the outset of today's sitting he referred only to Dr. Stoddart as a source of information for making his statement. Can the minister say whether or not he dealt with the contention of the Mayo Clinic that the kind of therapy being given at the Civic is Model T therapy that definitely should no longer be used; and did he generally consult with authorities other than the vested interest, namely the clinic?

**Hon. Mr. Miller:** Yes, Mr. Speaker, I did. I was handed some material directly by the Ontario Cancer Foundation just before I came into the House today, and after I had written my statement. We did, continuously, discuss it with other people, and the statements made by one particular gentleman appear to be totally false.

**Mr. Speaker:** The time for the question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

#### PUBLIC HEALTH AMENDMENT ACT

(Hon. Mr. Miller moves first reading of bill intituled, An Act to amend the Public Health Act.

Motion agreed to; first reading of the bill.

#### HEALTH INSURANCE REGISTRATION BOARD REPEAL ACT

Hon. Mr. Miller moves the first reading of bill intituled, An Act to repeal the Health Insurance Registration Board Act.

Motion agreed to; first reading of the bill.

#### HEALTH DISCIPLINES AMENDMENT ACT

Hon. Mr. Miller moves first reading of bill intituled, An Act to amend the Health Disciplines Act, 1974.

Motion agreed to; first reading of the bill.

#### PROTECTION OF WAGES IN BANKRUPTCY OR RECEIVERSHIP ACT

Mr. Samis moves first reading of a bill intituled, An Act to provide for the protection of Wages in Bankruptcy or Receivership.

Motion agreed to; first reading of the bill.

**Mr. G. Samis (Stormont):** The purpose of this bill, Mr. Speaker, is to provide protection for employees and their wages in cases of bankruptcy or receivership.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The fourth order, House in committee of the whole.

#### LIQUOR LICENCE ACT (continued)

House in committee on Bill 45, the Liquor Licence Act.

**Mr. Chairman:** The member for Sarnia.

On section 37:

**Mr. J. E. Bullbrook (Sarnia):** Mr. Chairman, I want to begin by saying it is wonderful to see the member of Ontario (Mr. Dymond) in the chair. Nobody would grace it more than you would in the context of what went on here, and with no more equanimity. Yesterday evening I moved an amendment that I would like to withdraw by way of amendment because—

**Mr. F. Drea (Scarborough Centre):** You can't speak twice on it.

**Mr. Bullbrook:** Yes, we can speak as many times as we want to in committee. It's an old rule; it goes back to about the 17th century. In committee you can speak as many times as you want to.

**Mr. V. M. Singer (Downsview):** Even 17 times.

**Mr. Bullbrook:** I might even get up three or four more times; I'm not sure—

**Mr. Drea:** You do that.

**Mr. Bullbrook:** In any event, with your permission, I would like to withdraw that motion.

Mr. Bullbrook moves that section 37(2) be amended by removing the word "apparently" in the second line and replacing it with the words "and where he has reasonable and probable grounds to believe that such person is . . ."

**Mr. Bullbrook:** If I might, for the sake of my colleagues I would like to read the subsection as it would be amended:

Where a constable or other police officer finds a person in a public place and where he has reasonable and probable grounds to believe that such person is in contra-



vention of subsection 3 of section 46, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

In putting forward the amendment, sir—did you wish to read it?—I will try not to be unduly reiterative, but I want to say that yesterday evening, sir, we began with a similar motion, certainly the same in intent, though somewhat different in wording. I tried to express on behalf of the Liberal opposition that we are much concerned with the ability of a police officer to take into custody any person on the basis of appearance. I attempted to use, for the sake of clarity, the example of a person who might be subject to epilepsy or cerebral palsy or something of that nature, which might manifest external symptoms of intoxication. The problem in those circumstances, of course, is that a peace officer would be able to, purely because of appearance of the citizen, take that person into custody.

The argument that we put forward was that we wish to retain some degree of objectivity, and there had developed a body of law in the other criminal and quasi-criminal statutes, where a police officer is exercising the right of arrest or, comparably, the right of taking a person into custody, Mr. Chairman, that he does so on reasonable and probable grounds. Those grounds are, therefore, assessed, in the light of the factual circumstances, by the court at the time of the interpretation of the actions of the police officer. This is just too subjective an evaluation.

In resistance, my colleague from Scarborough—

**Mr. Drea:** You know where it is.

**Mr. Singer:** Scarborough whatever.

**Mr. Bullbrook:** I'm sorry. I am not attempting in any way to demean the member. There are three Scarborough ridings—well, there are four. I'm not sure whether it was Scarborough Centre, but I'll find out. I want you to realize, as a matter of record, I'm not doing this to embarrass you in any way.

**Mr. Drea:** Oh?

**Mr. Singer:** You embarrass yourself sufficiently.

**Mr. F. Laughren (Nickel Belt):** Smacks of sincerity, doesn't it?

**Mr. Bullbrook:** I'm sorry, sir. The member for Scarborough Centre has resisted this particular amendment and proposition on the

basis that the citizen wasn't being incarcerated, but in effect the citizen was being taken, for the citizen's benefit and welfare, to a detoxification centre. And that's readily understood.

But the fact of the matter is, as I understand the spirit and intent of our law, that a person should not be deprived of their liberty without just and adequate cause, notwithstanding the equation here that the usurpation of that liberty in these circumstances is for the benefit of the individual citizen.

I didn't mention last night, and I don't want to dwell on it now, but I do want to remark this. Notwithstanding what I consider to be a valid concept here, something that we must jealously guard is that we should not enshrine in statutes the right of peace officers or constables to deprive a citizen of his freedom and liberty on a question of whim. I want to say to you if I may, Mr. Chairman, that I have the highest regard, believe me, for the body of the constabulary throughout our province, but that really begs the question. The question is, should a peace officer have the ability to take persons into custody and deprive them of their liberty on the basis of their appearance?

To me, there is something essentially reprehensible and unacceptable in that concept. It leaves itself open to the possibility where duly constituted law enforcement officials could use a section of this nature, under the guise of a person apparently being intoxicated, for the purpose of bringing that person under custody, and we just can't have that.

I say to you, I hope without exaggeration, that I happen to be a student of, if I may say, the Ramsey Clark type of law enforcement syndrome, and that is—

**Mr. Drea:** That figures.

**Mr. Bullbrook:** Yes, and I don't apologize for that for one moment. I am a great believer that due process must be undertaken before any citizen is taken into custody, and I close in saying that the appearance of the individual is far from due process, as I understand it.

**Mr. Chairman:** The member for Scarborough Centre.

**Mr. Drea:** Mr. Chairman, I don't wish to rebut—

**Mr. Roy:** Why don't you let the minister speak first?

**Mr. Drea:** Mr. Chairman, I would like to reply since the member for Sarnia—did I get it right—Sarnia?

**Mr. Singer:** Sarnia-Sandwich.

**Mr. Drea:** Since the member for Sarnia last night invited debate upon this particular section, that's why I rose last night.

**Mr. J. E. Stokes** (Thunder Bay): Boy, the minister is lucky he's got you.

**Mr. Drea:** Mr. Chairman, I would like to talk about section 2 in the light of (1) what is the law, and (2) what are current observations of the law, because I think the two are particularly applicable in the context of what the intent of the Legislature is and in really—and I want to stress this most emphatically—what the intent is of the police constable who is faced with the particular situation.

**Mr. Chairman,** it is all very well to talk about the Ramsey Clarks and the other things that this—

**Mr. A. J. Roy** (Ottawa East): You just don't understand, do you?

**Mr. Drea:** Yes, I do, but you see the difference is I understand, and I say this to the member for Ottawa East, I am not particularly concerned about what defrocked Attorneys General of the United States say. I happen to live in the Province of Ontario, I happen to live in the Dominion of Canada, and I am not terribly interested in their speeches now, then, or in advance. I want to talk about—

**Mr. Roy:** I suppose that Mitchell is your type of Attorney General? Right?

**Mr. Bullbrook:** Let's get to the point, let's forget about Ramsey Clark. I shouldn't have thrown it in. I didn't mean for you to play with it.

**Mr. Drea:** All right. Now I want to raise the particular situation here and I want to talk to the member for Sarnia, because he raised the thing as a debate last night and I want to reply to him in this.

**Mr. R. Gisborn** (Hamilton East): Get on with it.

**Mr. M. C. Germa** (Sudbury): We are sitting here with bated breath.

**Mr. Drea:** We are talking about the position of the police constable when he sees a person who is apparently under the influence

of alcohol or, under subsection 3 of section 46, which means he is intoxicated in a public place. Now then if we were still back in the days when the particular person who was to be apprehended was to be taken into a jail, was to be kept for a number of hours, was to face a judgement by the judge, and all of the things that used to be, then granted, I would probably agree with you. But what I am suggesting, and I suggested last night, is that we live in a new day.

First of all, if the particular person is ill, whether he is an epileptic or whether he is taking medication or, indeed whether his physical condition or what have you is such that the inclination to the public might be that the person is intoxicated and, indeed, to the police officer that there is an odour of something that appears as alcohol, all right, under this section with the word "apparent," the police constable can take him to a detoxification centre, which is defined in this section as a public hospital.

Now then, presumably the person may be examined by a physician and the determination can be made as to whether he is intoxicated, under the meaning of section 46, subsection 3, or he is not. If he is not—and I said this last night—if he is not, but cannot give, because of his physical, or his emotional or his mental infirmity, the kind of answer that a reasonable police officer would take that he was not intoxicated, then I suggest to you the person did require medical attention. Indeed, under this subsection, he is taken to the place where a medical determination can be made as to whether he is epileptic, under the control of prescribed medical drugs, or in a mental or emotional condition where he might appear to a layman to be intoxicated. He is examined under this section by a medical practitioner at a detoxification centre.

I suggest to you, that is far more protection for the individual than laying down an absolute clause that the police officer must have reasonable and probable grounds. It is all very well to stand up in this chamber and say these things are enshrined in Canadian legal jurisprudence. For practical purposes, "reasonable and probable grounds" means that the police officer has an absolute, or as near to absolute certainty as is possible, that the person is intoxicated within the meaning of section 46, subsection 3.

I suggest to you, to have the police constable ascertain within reasonable and probable grounds is not a protection for the particular person under this subsection, because if you look at the whole of section 37, it has to deal with detoxification only. As a matter of fact, in subsection 3, it says there can be

no action against the physician who is involved in the detoxification procedure. That is how explicit this section is.

With the greatest of respect, I suggest that to say subsection 2 provides too much of a judgement call for the police constable is really putting another burden on the police constable's shoulders.

**Mr. Bullbrook:** That's right. It is.

**Mr. Drea:** Because I suggest to you, and I said in the beginning, I want to talk about the onus that is on the police constable. Let's talk just for a moment among ourselves about the onus of public drunkenness. It is something that none of us likes to witness. It is something the public doesn't like to witness. If I recall properly—and I'm going to take the points perhaps a little bit out of context, but the member for Sarnia can refresh my memory—he said last night, in essence; that there is at the moment a public revulsion against this kind of thing and that there is a natural revulsion by the public against some other aspects of the permissive society. I think what he was trying to say—and I'll yield to him if I'm not correct.

**Mr. Bullbrook:** Then we'd better have the record straight.

**Mr. Drea:** All right.

**Mr. Bullbrook:** I wasn't talking about intoxication at all.

**Mr. Drea:** In context you were. I'll yield to you.

**Mr. Bullbrook:** Since you asked me, I just want you to know what I intended. I wasn't talking about intoxication. I was intending to talk about the permissive society and express my concern that, along with eradicating some of the undue permissiveness that we don't take away people's rights.

**Mr. Drea:** In all fairness to the member for Sarnia—I didn't really ask him; I said I could be corrected if I was wrong and I suppose I was wrong—I had the general impression from your remarks last night that one of the concerns was that the public, at the moment—and I think it's quite accurate—that the public at the moment is in a state of rebellion against some of the consequences of the permissive society. One of the apparent consequences on the street, which is readily available to anybody with normal eyesight, is the person who is publicly intoxicated. There was some concern that this might become too readily apparent. All right, fine, I'll drop it; I'll use it my own way.

Mr. Chairman, there is a tide in society and that tide, particularly at the moment, is that the permissive society has gone too far.

One of the most apparent concerns about society at large today is the feeling that people who used not to be now bothering or hassling people or what have you upon the public streets. There apparently seems to be a degree—

**Mr. Bullbrook:** That surely isn't the justification for this? The intention of this is to help other persons, not to stop them jostling someone else. The whole purpose of this statute is to help the intoxicated person, not to worry about whether he jostles somebody on the street.

**Mr. Drea:** You don't care about the public?

**Mr. Bullbrook:** Certainly but—

**Mr. Drea:** If you don't care about the public, keep on interrupting me. If you do, let me finish.

**Mr. Laughren:** Come on.

**Mr. J. A. Renwick (Riverdale):** You are not the personification of the public.

**Mr. Drea:** Mr. Chairman, there is a feeling by the public that public intoxication has reached a particular extent. It is bothersome to the public. The public demands the right to know why the police are not clearing the streets or the parks or what have you.

**Mr. Bullbrook:** If this is why you are passing this statute, my friend, we are really going to have a debate—if this is under the guise of that. I thought this statute was to help intoxicated people and if you are attempting, you or the commissioners—

On a point of order, then. I want to say this without reservations: If the intention of this statute is to incarcerate people—I thought the intention of this statute was to help intoxicated people—if this is quasi-criminal legislation and that's the guise of it, we'll fight it all day here. Make no bones about that.

**Mr. Drea:** You may fight it all night, but why don't you listen to me before you get on with your histrionics here? I am suggesting to you, Mr. Chairman, that there is a feeling out there. This was first raised by the member for Sarnia last night as a justification for the points he was raising or else I would not have raised it. Perhaps the member for Sarnia might like to read the Hansard from last night.



Mr. Chairman, what I'm saying to you is that there is a public concern and we can take it on two sides. One—and let's be honest about it, among ourselves—there is a public revulsion within all of us on seeing an intoxicated person. It is not that he is intoxicated; it is that he may do injury to himself. He may do injury to somebody else. I really like to think—and I'm sure the member for Sarnia does—that justification really is that we are concerned about the particular person; all right.

**Mr. Bullbrook:** Do you realize the injury has nothing to do with this section? He can arrest him without warrant if he is a danger to himself. This has nothing to do with this section.

**Mr. Drea:** Under section 46—and we are at section 37; would you control yourself? We will get to 46. You'll have every opportunity. I'm trying to elaborate on the things you raised last night because they move me. You do move me at times. You may not know my proper title but you do move me.

**Mr. Laughren:** That's when he moves you.

**Mr. Drea:** Not the most. All right, we are dealing with the public attitude toward it. There is also a feeling, and this is what I was really trying to get to, in the police constable. The police constable really isn't trying to eliminate a nuisance from the street. I don't believe that. The police constable is really trying to do what he has taken an oath to do—protect the public. In this case the public interest is the injury to the person because he or she is no longer capable of protecting himself or herself or, conversely, the injury that may be afflicted upon the public at large because of the first criterion. I suggest—

**Mr. Bullbrook:** I am going to rise on a point of order here. I apologize, Mr. Chairman, but I want to point this out to you. I want to point out if you look at section 46—

**Mr. Drea:** Why don't you read the Hansard of last night?

**Mr. Bullbrook:** Sir, may I point this out to you? My amendment purely has to do with section 37, in connection with the question of taking into custody. Under section 46 you will find a subsection that gives the police constable power to arrest without warrant if the intoxicated person is a danger to himself or any other person. The question of injury that he is talking about now has nothing whatever to do with this section at all.

**Mr. Drea:** Mr. Chairman, the member for Sarnia got up last night and he was most explicit. He was in full flight. He talked about taking into custody. He talked about a great number of things. I am trying to give you a logical, rational explanation for section 37. That's all I am trying to do. I am not trying to defer his amendment. I am not suggesting he is soft on certain things by proposing this amendment. I am not doing that kind of thing.

I am trying to put into context the attitude of the police constable. I suggest to you, with all due deference, Mr. Chairman, the key word in here is "apparently" in the second line. "Apparently"—that is the sole question that the fine legal mind from Sarnia raised last night—apparently—vis-à-vis reasonable and probable cause. I think I am fully in line and within the context of this section we are talking about.

**Mr. R. Haggerty (Welland South):** You are away off base, Frank.

**Mr. Drea:** Furthermore, I would suggest to you, Mr. Chairman, that the Liberal deputy House leader, although his remarks were confined by the limits of time last night, did raise very seriously the import of the particular words "taken into custody." While he hasn't risen today, I presume that he will. In any event the remarks last night left that suggestion.

I would just like to comment in three or four or five more sentences on this. Surely since the person is being taken to a detoxification centre—and once again I draw attention to the explanatory note: "Taking to detoxification centre in lieu of charge." That is what we are talking about.

I suggest to you, Mr. Chairman, that here we have a person, male or female, who appears on the surface to be under the influence of alcohol and—let's be honest about it—not enough to be in contravention of subsection 3 of 46, which is intoxication. We are saying that at this particular time, the police officer has the right to take the person into custody. How else is he going to get the person who is unwilling to a detoxification centre?

**Mr. J. R. Breithaupt (Kitchener):** He can arrest him.

**Mr. Haggerty:** Right in the hotel, the premises where he gets his liquor.

**Mr. Drea:** All right, fine. Then I would suggest to you—

**Mr. Haggerty:** Not out on the street.

**Mr. Chairman:** Order, please.

**Mr. Drea:** All right, fine. I will accept the interjection from the deputy House leader of the Liberal Party. He can arrest him. When he arrests him under subsection 3 of section 46 he can either take him to a detoxification centre or he can take him to jail. There is a big difference, because in this section there are no grounds for incarceration.

This is what concerns me a very great deal. If the person was going to jail, then all right, I buy the argument of all the defence lawyers that the charge should be proven against him. But in this case, surely taking him to a centre is lesser than taking him to jail. This is an attempt, before he could reasonably be incarcerated under our laws, to take him to a detoxification centre where he or she might be helped. That is really the basis of my argument.

If it was jail, as I said last night and I'll say it again, I agree with you. But when we are taking people to a detoxification centre, which is really a medical centre, surely there should be lesser grounds than for incarceration. This is really the thrust of the argument.

When a police officer sees someone, I really think that instead of adding another onus to his shoulders, another law book for him to pull out, another set of rules and regulations—surely in 20th-century Canadian society we have come to the point where we take reasonable people, we train them to be police officers and we pay them a good deal of money. Then we put them out on the streets because you and I don't want to go or are physically incapable of going; we put them out there and we say to them, "Here's a number of things that you are supposed to look out for."

I realize that the Hollywood movies and the entertainment spectacles don't talk about this kind of thing, but in a downtown area this is really an obligation upon the police constable. You may shake your head, but if one of them froze to death, oh, wow, would the questions come across here. There is an obligation upon him. It is a judgement call. Now let's go to intoxication just for a moment.

**Mr. Haggerty:** How many centres do you have in Ontario?

**Mr. Drea:** I think we answered that last night—something around 46.

**Mr. Renwick:** How many have you got in Toronto?

**Mr. Haggerty:** But you don't have one in every municipality, do you?

**Mr. Drea:** You've got one. I don't know why you're arguing; you've got one.

**Mr. Haggerty:** You tell me where it is.

**Mr. Chairman:** Order, please. I think we're going too far astray in this matter. Will you stick to the section, please?

**Mr. Drea:** All right. Let's look at the judgement call, the words "apparently" or "with reasonable and probable cause." With the indulgence of all the professional solicitors who are here—

**Mr. Renwick:** That's a redundancy, I think.

**Mr. Singer:** I would hope.

**Mr. Drea:**—let's go back to impaired driving, prior to the mandatory breathalyser. The percentage of convictions for impaired driving prior to the mandatory breathalyser test was significantly lower than under the present Act. There's a very simple reason for it: There were no criteria.

If the particular suspect refused, and under the old law the suspect had every right to refuse to undergo the breathalyser examination, then it was up to the police, as expert witnesses, to testify as to the degree of impaired driving. We went through the old thing about picking up nickels and dimes on the floor, touching the nose and the ears, and walking in a straight line. I suggest to you, and I suggest to all the solicitors here—and I presume, since they're laughing, they defended many and probably won most—that those weren't very absolute tests.

I suggest to you that if you want to bring in reasonable and probable grounds under subsection 2, you are literally getting to the point where someone who is apparently in contravention of section 46(3), you are literally going to have to have a breathalyser test.

**Mr. Breithaupt:** Not at all.

**Mr. Drea:** Oh, yes. How else are you going to find out if they're apparently intoxicated or there is reasonable and probable cause?

**Mr. Bullbrook:** Would you yield to me just for a moment?

**Mr. Drea:** No.

**Mr. Bullbrook:** You won't?

**Mr. Drea:** That's three times in two days. Contain yourself.

**Mr. Bullbrook:** I just wanted to answer the question.



Mr. Drea: You've got lots of time. That's three times in two days. A very, very serious thing in my mind coming back to what the member for Sarnia said—and I agree with this—is that this is not a punitive section, this is not an incarceration section; this is a help section.

Surely, if we are going to load the onus upon the shoulders of the police officer, that he has to take an extra load, he has to check his book, he has to do this or he as to do that, I ask you, Mr. Chairman, what kind of a help section is it? It's for the person who really needs help and that is not the police officer.

Last night the point was raised that the police officer would indeed be protecting himself against any kind of lawsuit by having the words "reasonable and probable grounds" substituted for "apparent." Mr. Chairman, I'm going to argue with you that it is a judgement call whether the words that are used are "apparently" or "with reasonable and probable cause." It is a judgement by a trained peace officer. It is not something done by a layman. It is not something done by a do-gooder. It is a judgement call by a trained police officer.

While I recognize indeed in the courts the difference between "apparently" and "with reasonable and probable cause," I suggest to you, Mr. Chairman, that all that would be accomplished under this subsection by substituting those words would be in essence to deny help in a great number of cases to those who desperately need help and who have no control over themselves.

While I very seldom quote the press here, I would like to remind the members there have been articles in the press in the last three or four weeks, particularly in the Toronto area, dealing with the fact that many of those who are on skid row or in that particular degree of affliction with alcohol that they literally are unable to control themselves or to fend for themselves have been saying that the police have been too busy to fend for them and to take them in. At least when they were taken in they got food and they got proper shelter. Because of the affliction—I don't think anybody can be terribly accurate about the accuracy of the statistics, but the press has been raising the point—people have been dying of malnutrition out there because the police have been too busy.

I suggest to you, Mr. Chairman, that by accepting the amendment we are only adding to the onus that is upon the police officer's shoulders. In terms of human nature, we are

making it easier for him not to forego his duty but to postpone it and to take another look an hour or two later. I suggest to you that on the other side of the scale are those who are saying: "We may be the outcasts of society but at least we operated under a game plan in which from time to time the police came. They did take us in. We did receive proper meals and shelter and we went out again."

I suggest to you, Mr. Chairman, that by accepting this amendment we are not only loading extra duties upon the shoulders of the police officer, but we are forgoing help to those who really need help and who are unfortunately—and really I'm sorry about this—not in a position to come to us and say they need help.

Mr. Chairman: The hon. minister.

Hon. S. B. Handleman (Minister of Consumer and Commercial Relations): Mr. Chairman, I listened with a great deal of interest to the argument last night and again this afternoon and I'm afraid I simply cannot match the eloquence of the protagonists in this argument. I think I accept that the mover of the amendment and his supporters are quite sincere in their intent to protect the civil rights of the person who may be judged improperly by a peace officer or constable.

I availed myself overnight of some legal advice because obviously I'm at a disadvantage in speaking on this point from a legal point of view. I satisfied myself that the word "apparently" in the section, while it may very well have the connotation attached to it by the member for Sarnia, also has others which would seem to me to provide sufficient protection. I've looked at several other statutes. The Criminal Code contains an inference of an offence by the appearance of a juvenile which, in my view, is far greater than this because I think the word "apparently" in this means far more than appearance and in order to support that point I just wanted to read a couple of definitions that have been brought to my attention.

"Apparent"—which is, of course, the adjective—"That which is obvious, evident or manifest; means open to view; capable of being easily understood; evident." It seems to me there would, from those meanings, be a very important onus on the constable before he used the power to take into custody as provided in this section.

I had another one here for the word "apparently" itself, the adverb, in which it



says, "Evidently; visibly. Evidently to the understanding; clearly." It seems to me that this is far more than just physical appearance; that the police officer is going to have to use a great deal of judgement, as my colleague from Scarborough Centre has said. He is going to use all of the evidence available to him, not simply the sense of sight. I am sure he will use other senses as well. He will also rely on verbal evidence given to him by bystanders and others who have seen the actions of the person who is to be taken into custody, and since the purpose of the section is, in fact, to help the person who is under the influence of alcohol in a public place—

Interjections by hon. members.

**Hon. Mr. Handleman:** No, it would seem to me that the officer should have probably wider power than he might otherwise have in enforcing the law for a criminal offence. In this case it is for the purpose of helping, and I think the peace officer has to be given this somewhat broader power. We can get into a semantic argument, but I think we wanted to avoid that last night.

**Mr. Singer:** It is not semantic, it is legal

**Hon. Mr. Handleman:** It was said that it was more than an argument of semantics and I am prepared to accept that. But it does seem to me that the word "apparently," from the definitions that I have seen, does impose a much greater onus on the police officer than the member for Sarnia attributed to him in his interpretation of the word.

I would certainly agree that if it was simply by appearance, by what is visible to the constable's eyes, perhaps it might—and I say "might" again advisedly—give him greater power than we should properly give to a person who is taking another person into custody. But I do suggest to the hon. members opposite that the word "apparently" does impose a stronger onus than that on the police officer, and I would ask them to support the subsection in the wording as proposed in the bill.

**Mr. Chairman:** The hon. member for Kitchener.

**Mr. Breithaupt:** Mr. Chairman, I was going to ask the minister, since he has now responded and has had the opportunity to consider the meanings of this word, whether he could proceed to respond to two particular points?

First of all, the constable may indeed make those various considerations that you

said he would make, but he doesn't have to make those considerations. He apparently does not have to justify the reasoning behind his decision in any particular matter. Secondly, if the wording of the amendment which my colleague brought in, to require "reasonable and probable grounds," is not satisfactory, perhaps the minister could give us the benefit of the advice he had which found that phrase unacceptable, or if not unacceptable, at least not wanted in this place.

The reason I ask that question is because it would seem to me that the police constable or the peace officer who is involved in making this observation as to a person's circumstance, has protection if he follows his traditional role and gets his traditional protection which the courts give to him if a decision is made within the ambit of his authority and within the known belief that he was acting upon reasonable and probable grounds. As we mentioned last evening, this phrase has a particular known dimension within the courts, it offers protection to the police constable, and it also ensures that if an arrest, or the taking into custody, is done by whim, by the decision that he didn't like the colour of coat the person was wearing, then that police constable is not acting correctly. So it works both ways.

In this situation we believe it would be far better to have that continuing judgement call, as the member for Scarborough Centre has referred to it, based upon the traditional framework in which the police constable ordinarily operates. Indeed, to do otherwise, we think, would allow the possibility of an abuse either of the individual's rights or possibly of the constable's own rights and privileges. We think you should use that phrase which has a good meaning and an acceptable balance well known by the police authorities by the training which they undergo and take on a task which, as the member for Scarborough Centre said, many of us would not prefer take on. They do it well. To do it in this manner, we think, is not in the best interests of either the individuals who may be taken into custody or of the police constable.

The point at which I disagree with the comments of the member for Scarborough Centre is when he raises the point that it depends upon where the individual goes as to the judgement which should be made. I suggest rather it depends upon the taking into custody in the first place, which is the important criterion. Where the individual goes after he or she is taken into custody is, of course, a further judgement of the police

constable and properly so. The taking into custody in the first instance is surely the time at which reasonable and probable grounds should be held. That is the reason for the approach we have taken.

We think the constable should justify naturally to himself, to his employers, to the public, to his superiors, the making of this decision and in many cases it will be a difficult and perhaps even a distasteful decision to make. The point is that by putting in the phrase we have alluded to and accepting the amendment, we think you will come up with a better, clearer item of legislation.

Accordingly I would like to hear from the minister why he would feel that phrase does not find favour and isn't useful in the statute.

**Mr. Chairman:** Did the minister want to reply to that first?

**Hon. Mr. Handleman:** Yes, I did, Mr. Chairman. I think I can reply very briefly. I don't think I ever suggested that the phrase which is incorporated into the amendment was unacceptable or did not find favour.

**Mr. Breithaupt:** Unsatisfactory.

**Hon. Mr. Handleman:** Yes. What I suggested was that the onus imposed on the person taking another into custody, by the use of the word "apparent" or "apparently," does not relieve him of the necessity of having to meet certain criteria as suggested by the member. In my view, he would have to justify under that word a serious set of criteria and he would, in fact, justify—

**Mr. Singer:** Where do you find that? Where do you find any authority for that?

**Hon. Mr. Handleman:** In the definition of the word "apparently." In the definitions I read previously.

**Mr. Singer:** "In any case," has that ever been said? There are clear definitions of reasonable and probable cause but "apparently" is subjective. That's where you miss the whole point.

**Hon. Mr. Handleman:** They are all subjective and it means that the constable must come to a decision—

**Mr. Singer:** They are not subjective.

**Hon. Mr. Handleman:** —based on a certain set of criteria.

**Mr. Singer:** No, it doesn't say on a certain set of criteria at all.

**Hon. Mr. Handleman:** When the word in the legal dictionary is defined as clearly, I don't—

**Mr. Singer:** What Canadian cases have said that?

**Mr. Drea:** When was the last time you defended one?

**Mr. Singer:** Who, you?

**Mr. Drea:** No, that. You wouldn't defend me; that is for sure.

**Hon. Mr. Handleman:** There are a number of cases in which the word apparent, or obvious, evident or manifest have been used. They are not Canadian cases; the ones I see here are both American cases. I really don't want to argue jurisprudence with the member because I think it would be futile to do that.

I simply say I feel the use of the word apparently does impose a number of criteria on the constable, puts an onus on him and he is not relieved of proving the necessity. Therefore, I think the word apparently is satisfactory and there need not be an amendment. I didn't want to suggest for one minute that the words which the members have suggested in their amendment don't have an honourable tradition in jurisprudence because I am advised they do.

**Mr. Chairman:** The member for Riverdale.

**Mr. Renwick:** Mr. Chairman, very briefly, I would like to support the amendment put forward by the member for Sarnia for two reasons. One is that the phraseology is one with which the police are familiar and comfortable and does not appear to add any additional ingredient to the word "apparently." More importantly, from my point of view in any event, as I read subsection 2, I tend to read it disjunctively and not necessarily conjunctively.

The argument has been made by the member for Scarborough Centre and perhaps others in the assembly believe it to be a section which can be read conjunctively, that is, when the police officer takes the person into custody, i.e., arrests him, he then decides will he take him to a police station or will he take him to the detoxification centre. I think the clause of necessity doesn't have to be read conjunctively and that the police officer, having taken the person into custody, then makes up his mind as to which of two courses he will follow.

My concern about that is if that is so, then in fact what we are conferring here is not



necessarily an ameliorative provision but simply saying to the police officer that he can arrest without a warrant. Therefore, that would appear to me to extend the ambit of subsection 3 of section 46 where the police officer can only arrest without a warrant as provided in subsection 4 of section 46, namely, that "a police officer may arrest without warrant any person whom he finds contravening subsection 3, where to do so is necessary to protect that person or another from injury."

I think that section 46 carefully provides that the circumstances under which the police officer can arrest without a warrant are where the additional ingredient is present, i.e., "where to do so is necessary to protect that person or another from injury." That's an additional factor. As much as we are all interested in being able to use detoxification centres and to provide the police constable with the alternative under section 37, subsection 2, we are not really providing him with a conjunctive alternative where he says: "If I am exercising my power under subsection 2 of 37, I can take him to a detoxification centre." The police officer at the time he makes the arrest under subsection 2 of section 37 and takes the person into custody—because that's what it is; he makes an arrest. He impedes the person. He is arrested.

The person doesn't know whether there is a detoxification centre available or a bed available. Having arrested him under subsection 2 of section 37, with the best will in the world he may want to take him to the detoxification centre but there are only 78 beds in Toronto at the present time. He then says: "I have now arrested this person without a warrant. There is no place for him in the detoxification centre. What do I now do? I take him to the police station." That happens regularly in the city of Toronto. Therefore, what we are doing by reason of what we believe to be an ameliorative provision is that we have in fact enlarged the authority of the police constable to arrest without a warrant which we had both in this and the previous statute carefully limited only to those circumstances where it was necessary to protect the person or another from injury.

I point that out as it appears to me to be a conundrum. The resolution of the conundrum, in my view, is as I have stated, that having arrested under subsection 2 of section 37, the police constable then has a choice. He may have a choice in his own mind; he may have a choice perforce because there is no place for him in the detoxification centre. For example, in certain places in the Province of Ontario there are no detoxification

centres. Obviously he can't use this section for that purpose. He can only arrest him and I think that perhaps poses the real problem. Let me see if I can find a place. Let's take the city of Timmins, for example. Now, a police constable in Timmins, presumably, can only arrest without a warrant where to do so is necessary in order to protect that person or another person from injury. Obviously, he can't use subsection 2 of section 37, because there's no detoxification centre in the Timmins area.

So, it seems to me that you have a very real conundrum for the police officer. Even if he doesn't know there's a detoxification centre in the locality, he won't know at the point at which he makes the arrest whether or not there is any available facility for him, because they are so limited. There are 16 beds in Sudbury, 20 in Windsor, 35 in Kenora, and so forth. There is a total of 245 across the province. So that is my principle reason. I think that it is most important that the amendment by the member for Sarnia be accepted for these two reasons.

If it is intended that this is an arrest without a warrant in broader circumstances than is permitted under subsection 3 of section 46, I think we'd better insert in that section, "take into custody without a warrant." Otherwise, I think a police officer is put into a very difficult position.

I don't pretend to know what the answer is or the resolution of the problem is, but I think you've got a much larger problem than the member for Scarborough Centre seemed to believe. Because he was reading it conjunctively; that there was some lesser evidence required of the intoxication that would permit the police officer to take the person into custody and he would do so only because he was going to take him for treatment to a detoxification centre, rather than to a police station.

Maybe this is not the time we can resolve the two sections in this assembly. But I would think that between now and the next session of the assembly, somebody better give some serious thought to section 37 and section 46 to make sure that we understand exactly what we want to do when we're trying to assist persons who are intoxicated.

**Mr. Singer:** Mr. Chairman.

**Mr. Chairman:** The member for Downsview.

**Mr. Singer:** I don't find any difficulty at all in supporting the position taken by my colleague, the member for Sarnia—and as supported by the remarks of the hon. mem-



ber for Riverdale. I do find some considerable difficulty in following the logic of the hon. member for Scarborough Centre and also the minister's efforts into legal jurisprudential logic, which doesn't just quite fit together.

What concerns me very much is the kind of precedent that we're going to set if the minister keeps his heels dug in and says, "I won't accept it, because somebody gave me an opinion outside." Whatever that opinion is, I would be much more impressed if you said something more than, "I got a legal opinion from somebody, unnamed, and I will read you now a definition out of"—and it turns out to be a legal dictionary.

There are all sorts of legal dictionaries. There are American ones, British ones, Canadian ones; Quebec ones, and so forth. I would like to know the authority which you are quoting. I think it's most important. I would like to know the reference to any case where the courts have ruled on this matter.

It would seem to me that the minister is in a very difficult position when he says, for instance, "I have looked at things like 'apparently' being a juvenile." I would suggest that there is a pretty reasonable objective test when you put those two words together.

For instance, if someone apparently came to the conclusion that the minister was not a juvenile, that could be tested very quickly by a judge who wanted to inquire about that. He could take a look at the minister and see whether or not a peace officer had come to a reasonable conclusion. But hours or days after the event when a peace officer came to the conclusion that someone apparently was in breach of section 46(3) you are in a completely subjective testing position. A constable could be all by himself and could say, "I saw the arrested person and apparently he was in breach of 46(3) and apparently he was going to injure himself or some other people." End that kind of logic and that kind of testing you propose to set up as part of our law escapes any judicial review, no matter how many dictionary definitions you are going to read to us. But surely when you took legal advice from your solicitors in the department or from the law officers of the Crown, somebody must have whispered to you that the words "reasonable and probable cause" have a long meaning in the law in Ontario, in Canada, in Great Britain. They have been dealt with many times judicially, have been

reviewed by many judges on all levels and can't, in fact, be tested.

What concerns us, Mr. Minister, is what the section says—not what you think it might say because somebody gave you a definition out of some dictionary. What the section says is "where a constable finds a person in a public place apparently in contravention of section 46(3)"—that's what it says, "apparently"—not "when he believes with reasonable and probable cause he is in contravention," but "apparently"—then he can take such person into custody.

This is quite contrary to what the member for Scarborough Centre said—it's not a custodial section. The section says, then he can take the person into custody. There couldn't be anything more custodial than those words.

I don't think you weaken your section at all by putting in those protections to people who might have their civil liberties interfered with. In a sort of way, this was the kind of a thing we were concerned about when we argued Bill 99. I don't know that we are going to have the same kind of public attention addressed to this, but I urge the minister to be cautious and careful and not to go down in the history of the Province of Ontario, in his short tenure in that office, as one who is taking away civil liberties.

Because that is what you are going to do. And the first time this comes up in court, and some judge who has a penchant for getting publicity comes to interpret the word "apparently," guess who is going to get it in the neck? This minister—who could, with logic and sense, accept the reasonable amendment put forward by my colleague. You are not weakening your section or your statute one iota.

This is quite aside from—and a very good attack could be mounted on this whole section—how many detoxification beds you've got in the whole province. And it skirts the issue of the great announcement made by that fellow Lawrence, who now sits in the House of Commons, when he was bringing a new era to Ontario and avoiding a swinging door concept of dealing with drunks. We were going to do better in Ontario. We were going to have ample treatment facilities and we just didn't want to bring them in one door and fine them \$10 or 10 days and let them circulate through the swinging door and go out again.

This is quite aside from the question. We were willing, just mildly on the way by, to say you have not done your job—the collective you—you and your predecessor. You make great speeches. Al Lawrence was a good

speechmaker. He told us about this new era, and about how you had a new concept of how one should treat alcoholics.

I get puzzled by the approach of the member for Scarborough Centre when he said when we put this forward, "We are not in favour of trying to help alcoholics". I suppose when you get a section like this anything is fair game whether it makes sense or not. It would seem to me that the minister could reasonably rely on the legal advice that you are getting from the legal members, professional or not, of this House who are saying be careful and don't clothe peace officers with this kind of authority. I would urge the minister to accept my colleague's amendment.

**Hon. Mr. Handleman:** Mr. Chairman, I must say that I am more concerned about the possibility that was pointed out by the member for Riverdale than the arguments of the member for Downsview, and I am concerned about it. It does seem to me that the amendment does not meet the concerns expressed by the member for Riverdale.

He has said, of course, that subsection 2 of section 37 enlarges the power to arrest without warrant, and I don't see how on earth the suggested amendment meets that argument. I must say that certainly there was no intention to do that, and all I can do here is rely again on the advice of those who have drafted this section, who tell me and who have indicated quite clearly that it does not, in fact, do that.

I just want to point out to all of those who have supported the amendment that we are not doing anything new. This section follows the wording of the existing section 90 in the present Act. There are no reported cases, it has not been before a judge, none of my predecessors has gone down in history as having destroyed the civil rights of the people.

**Mr. Singer:** With your luck, probably you would be the first one.

**Hon. Mr. Handleman:** It may be, if your interpretation is right. But we have no knowledge and there has been no case brought before us of any abuse by a police officer of this section and this has been around since 1971. It seems to me if there had been any possibility of abuse, any possibility of a reported case, it would have happened by now. But perhaps the member for Downsview is right; with my luck it may be tomorrow when this Act becomes law, if it becomes law tomorrow.

So I just want to repeat what I have said before. I think there is ample protection of the civil rights of the person involved in the section as it stands. I am somewhat concerned about the possibility pointed out by the member for Riverdale but I don't see how the amendment meets his concern or the concern that I share with him.

**Mr. Renwick:** I agree with that. I just thought your people should look at it between now and next year.

**Hon. Mr. Handleman:** Yes, I agree.

**Mr. Bullbrook:** I don't want to elongate the debate unduly—I am sorry, Mr. Chairman—but I just want, if I may, to try to point out objectively, with a set of facts, what I understand my amendment is intended to do.

May I say to you, by the way, that I grappled with this whole question some years ago. I defended a hotel in Samia on a charge of permitting drunkenness. I forget the section, but I distinctly recall being quite involved with these words "intoxicated," "under the influence" and "permitting drunkenness," because of the fact that they were so abstract and so difficult to come to grips with.

What I am trying to point out to you, if I may, is to ask you again to reconsider. If a man is lying on a park bench—okay, I exaggerate for clarity—lying on a park bench showing the symptoms of intoxication, then the police officer is entitled to take him into custody under this section. If somebody beside him says, "That fellow hasn't been drinking. I am sorry, he is having a seizure," then he still has the right to take him into custody if you use the word "apparently," whereas if you use the words "reasonable and probable grounds" he hasn't the right to take him into custody, because he has no reasonable grounds—since he was told that he wasn't in an intoxicated condition—to take him into custody. That's the reason for words like "reasonable and probable grounds." It is not a question of appearance, it is not a question of how the person looks, but it is a judgement that the police officer must take at the time.

May I say to you, if the man has the stench of alcohol, his locomotion is impossible, he takes him into custody on the basis of that appearance, but because he makes a judgement, a reasonable and probable judgement of those facts. That is really the total intention of the amendment.

I want to say to you, if I may, in closing, through the Chairman, the intention wasn't



to make it more difficult for you. I recognize that this section was really therapeutic in its intent. I dissociate myself entirely from the comments of the member for Scarborough Centre when he talked about people not wanting to see drunks, and getting them out of the park. That isn't the intention here. If it is the intention then, boy, I will tell you, I don't like this type of statute.

But I really believe the motivation here isn't that. It isn't to get the drunks out of public view. We sympathize with them. We don't find any revulsion in them; we sympathize with them. So the intention is to help them—I realize that—but it is paramount that one keeps in mind that you don't put these things in statutes. They are reason for protection. The word "appearance" in the Criminal Code in connection with juveniles has nothing to do, may I say, with taking into custody. The question of the appearance of a juvenile under the Criminal Code is for the purpose of how that person is treated before the courts, not for taking them into custody. Thank you.

**Mr. Chairman:** Does any other member wish to take part in the debate on the amendment to section 37, subsection 2?

Is it your wish that we stack it?

**Mr. Bullbrook:** No.

**Mr. R. F. Nixon** (Leader of the Opposition): No.

The committee divided on Mr. Bullbrook's motion that section 37(2) be amended by removing the word "apparently" and replacing that with the words "who has reasonable and probably grounds to believe that he is in an intoxicated condition"; which was negated on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 34, the "nays" are 51.

Section 37 agreed to.

**Mr. Chairman:** Would the minister like to revert to section 8—his amendment requested by Mr. Cassidy?

**Hon. Mr. Handleman:** Yes, we have discussed section 8 but I would like to move an amendment to section 8.

**Hon. Mr. Handleman** moves that subsection 2 of section 8 of the bill be amended by striking out "and subsections 1 and 2 of section 6 apply in respect of permits, mutatis mutandis, in the same way as they apply in respect of licences" in the fourth, fifth and sixth lines, and inserting in lieu thereof "and subsection 2 of section 6 applies

in respect of permits, mutatis mutandis, in the same way as it applies in respect of licences."

**Mr. S. Lewis** (Scarborough West): I object to the second mutatis mutandis, Mr. Chairman.

**Hon. Mr. Handleman:** Mr. Chairman, it is an amendment which I understand satisfies the member for Ottawa Centre who questioned the need for it in the first place.

**Mr. Chairman:** All those in favour of Mr. Handleman's—

**Mr. Breithaupt:** In order to save the time of the House on this we can take the same vote reversed.

**Mr. M. Cassidy** (Ottawa Centre): We would accept it as well. I would even say, mutatis mutandis, if he weren't a Tory he would be a nice fellow.

Motion agreed to.

Section 8 agreed to.

**Mr. Chairman:** On section 38 of the bill?

**Mr. Cassidy:** I believe the minister has an amendment on 38, Mr. Chairman.

On section 38:

**Hon. Mr. Handleman** moves that section 38 be amended by inserting after "days" in the fourth line "or such lesser period as he thinks advisable."

**Hon. Mr. Handleman:** If I might explain the purpose of the amendment, the member for Ottawa Centre and I had some discussions while we were waiting for the vote, and it was decided that the section did not give the judge the power to order a person to be detained for any period less than 90 days. I agreed with the hon. member that perhaps the judge should be given that discretion, and the amendment achieves that.

**Mr. Chairman:** All those in favour of the amendment to section 38?

**Mr. Cassidy:** Before the vote, is it understood that we can come back to another point on section 38 after the vote is taken? I would appreciate it if that would be the case.

**Mr. Chairman:** If there's only the one part to section 38; if the amendment carried, that would carry the section.

**Mr. Cassidy:** In that case, Mr. Chairman, I have another amendment to bring forward



on section 38, which I would like to discuss before we take the vote on this particular one.

**Mr. Chairman:** We'll dispose of this one and then deal with yours.

**Mr. Cassidy:** Thank you.

**Mr. Chairman:** All those in favour of the minister's amendment?

Motion agreed to.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** I would thank the minister. I had suggested that we make that penalty up to 90 days, and he's done it by using different language.

**Mr. Cassidy moves that section 38 of Bill 45 be amended by deleting all words after the word "regulations" and by substituting the following:**

But the person shall be released if (a) at any time during the period, the superintendent of the institution is of the opinion that further detention therein will not benefit him or (b) the person makes application to a judge of the provincial court and the judge, having reached the opinion that further detention therein will not benefit the person or that there are other reasons to justify release, orders the person released.

**Mr. Cassidy:** Mr. Chairman, the minister and I have had words about this, and he feels it is difficult to accept this second amendment.

As I understand it, section 38 as proposed is similar to the existing legislation, but it raises some pretty grave concerns in our minds because of the fact that the period of incarceration in an institute for rehabilitating alcoholics can be 90 days; and there's no parole, there's no probation, there's no way to get out if the superintendent decides he should stay in. It really makes it seem like a sentence, in other words, and compares rather unfavourably with the standard sentence for people who are intoxicated, which, as the minister knows, is as often as not a \$10 fine, a suspended sentence or a couple of days over the weekend in order to dry out. We are concerned about the disparity between the one- or two-day sentence, or the small monetary fine on the one hand, and the 90 days which the judges are still being urged to give in order to have a drying-out process take place.

As the minister also knows, you don't really benefit from rehabilitation from alcoholism unless you're psychologically ready to benefit from it. You can therefore get a situation where a person is incarcerated or put in against his will; he doesn't really want to go along and is constantly looking for ways to sneak a drink, and he is really not having very much benefit, but where for various reasons the superintendent remains hopeful.

There's no way that the person or that person's family can get into the situation and can go to a judge, put the case and possibly have a release. It is also not open to a superintendent officially, although I'm sure it might happen in many cases, to let the person out if there were compelling family reasons why there should be a release. That would be permitted under this particular amendment as well. I'd appreciate the minister's comments on the amendment, Mr. Chairman.

**Hon. Mr. Handleman:** First of all, the hon. member and I did discuss his proposed amendment, and it is my view, and it has been confirmed to me by the officials of the ministry, that this section as it now appears in the Act has worked very, very well in the past—that the only person really qualified to determine whether or not further detention would benefit the person involved is the superintendent of the institution.

It would seem to me that any possible abuse of the phrase "in the opinion of"—which is really the key phrase in this section—could very well be avoided, if necessary by an application to the Ombudsman. It would seem to me that by giving the person the option of going through the court procedures, they are almost forcing him to place on transcript certain evidence which the judge would have to consider before releasing the person against the wishes of the superintendent. I don't believe that would be in the best interest of the person himself.

If there were any injustices because of the capricious use of the superintendent's powers, I think the proper course would be for the Ombudsman to look into this kind of thing and probably that would put an end to any abuses of the privilege of the superintendent. I do feel it was worthwhile in the past and that we shouldn't tamper with something which most of those who are in the field of alcohol reclamation favour keeping.

**Mr. Cassidy:** If I might just comment on that, Mr. Chairman. There is going to be one Ombudsman and a small staff across the province. For somebody who is in Kenora or

who is in Ottawa, distant from where the Ombudsman is there is going to be problems—with the Ombudsman looking through the mail and stuff like that, it will all take time.

I am suggesting that if a person feels an injustice has been done, they ought to be able to go off to the court and say, "I shouldn't be in this institution any more," or, "My wife is sick, there is nobody to look after the kids. I think that I can hack it back at home and look after the kids and there are compelling reasons for me to get out, whether or not I might benefit from staying in the institution any further."

I think it is wrong on civil libertarian grounds to leave the matter to the opinion of the superintendent. Whether his opinion is right or wrong, there is no appeal from that opinion.

Finally, it's our practice in the province to entrust many matters to the judiciary in which the judiciary are not necessarily more expert than the people who made the original decision. The hospital appeals tribunal—the thing that Dr. Schiller was involved in—is one example. Likewise, it's our practice to entrust many matters to this Legislature and to members of the cabinet in which they, too, are not as expert as the people who are advising them or the people whose lives they affect.

Therefore I don't think it is wrong for a judge to hear the evidence, to hear what the individual who is in the institution for the rehabilitation of alcoholics has got to say, and to hear the response from the superintendent who says, "In my opinion, here are the reasons why this person ought to remain."

As the minister says, to our knowledge this has not created problems in the past. Nevertheless it seems to me that we ought to leave that avenue open for the same reasons that moved the province to establish all of the system tribunals that exist in relation to the McRuer report on civil liberties and civil rights. The avenue ought to be available, even though we accept the fact that seldom, if ever, is it liable to be used.

It seems to me also that if the avenue of a court is available as a last resort, then when there is a disagreement between a person and the superintendent about whether or not that person should remain in the institute, the superintendent will be more liable to give the benefit of the doubt to the individual. Now, because only the opinion of the superintendent is involved, he may be more inclined to give the benefit of the doubt to the institution. This is a problem which exists not just in these institutes, but in many other types of institutional care. So for these rea-

sons, I hope that the minister might reconsider and either accept this particular amendment or else stand this section. That would allow his people to look at the drafting and maybe come back with a slightly reworded version before we get to the end of the bill.

Mr. Drea: Mr. Chairman, before the minister replies, I would like to draw to the attention of the minister that if we're going to accept that kind of an amendment, we might as well disregard section 38 altogether. Quite frankly, there is no one who would be categorized as a hard drinker or a person who required the particular attention of section 38. After a day or two or three, there is no one who, in all sincerity, would not say that he or she was perfectly able to go on the outside. On this business of being able to appeal the professional judgement of those who are dealing with the very difficult problem of alcoholism; it is not a physical disease, I would hope that the member for Ottawa Centre would concede that. It's not just the physical process of pouring it down the throat. It is a combination of mental, psychological, emotional—a great number of processes.

Over the years this province has gone through a great deal of money and expertise to try and produce programmes that would be of benefit for rehabilitation. I don't like the word reclamation, although that is constantly used on the other side these days. I prefer rehabilitation. We have gone through a great deal of time, money, professional training and everything else, yet the people we have produced will still tell you that it is a matter of judgement. Nothing is certain.

There is far more of moment in this section than meets the eye. If we are to have a process whereby anybody who is undergoing rehabilitation therapy for the problem of alcoholism can appeal to a court and say "on this particular day I feel good enough to go out," surely that is going to be self-defeating.

There are a great number of us, before we were in this House, who spent a great deal of time and did a great deal of convincing to not only get law enforcement but medical people to recognize the long-term rehabilitation programme that was necessary. I must confess when I hear an amendment like this, I have to regard it as woolly-headed. It is all very well to say that the person may wrongfully be here or wrongfully be there, but there is a very limited time limit. As a matter of fact the minister has just accepted an amendment which limits the time "up to."

If we are going to have professional programmes, then surely we are not going to



cut the legs out from under them. If it was a physical ailment where it could be diagnosed from A to Z, that's one thing. But this particular one is very intangible. I suggest to you that under the guise of civil liberties or what have you, laudable as those may be, in the instance of a very short-term confinement that type of supposed remedy is really defeating the programme as a whole.

What are you going to say after two or three days? The person feels well equipped to go out into society. You mean a court is going to determine when the person comes in there at 10 o'clock in the morning that they are well equipped to go out in society? Of course they are. They have been in the particular institution the night before they have been brought into court. The particular problem is not 10 o'clock in the morning, before they are released; the particular problem is 11, 12, 1 o'clock in the afternoon; and maybe not that day, maybe 10 days later.

Surely the 90-day time limit as a maximum and a shorter term—in terms of civil liberties, of protection of the individual, of medical treatment—is a very limited thing.

It's not the kind of imposition where a person is going to be incarcerated for life. It's a very brief period of time. I am not an expert in the behavioural sciences, but I can hardly conceive of anybody in the behavioural sciences who would say that in a day or two they can make an accurate judgement. You have to have time.

Of course, the particular problem with alcoholism is that once there is a detention centre or a place where the person is denied the use of the particular drug you can't realistically look at the person in the light of his previous environment. These have to be judgements. I suggest to you that this is an assessment period and some assessments have to be longer than others. I don't think it is an imposition on the particular person.

**Mr. Cassidy:** I had decided earlier I wouldn't take part in this debate; but frankly I'm distressed by some of the things the member for Scarborough Centre has said. Ninety days is not a brief period. If the member were told he had to spend the next 90 days in an institute for the reclamation of alcoholics—

Interjection by an hon. member.

**Mr. Cassidy:** —it might or might not do him good, but it is a long time out of anybody's life. It is all of the rest of June, it is July, it is August and it is most of September

to be put into an institution. It is a long time.

Clearly, if after two days in one of these institutions, somebody says "I want to get out" and goes off to the judge, the judge will ask the superintendent or the representative from the institution. "What do you think?" The guy will say: "We have just got this fellow in. He's only been in here for a couple of days. As far as we are concerned, we generally don't know where we are with alcoholics and the possible reclamation thereof for a period of several weeks."

**Mr. Drea:** Then why are you moving your amendment?

**Mr. Cassidy:** I'll read the amendment again. "The person shall be released if"—the first part is essentially as it is here; if the superintendent says it is okay.

The second part is if a person makes application to a judge of the provincial court and the judge, having reached the opinion that further detention therein will not benefit the person or that there are other reasons to justify a release, orders the person released. How does the judge reach his opinion, Mr. Minister? He reaches his opinion by listening to the person who has made the application and by listening to the people who are responsible for the institute for the reclamation of alcoholics. Then he makes a judgement. It allows a second-guess; an outside and an impartial look at the case as to whether or not this individual should stay in the institute or should come out.

I would remind the minister and the member for Scarborough Centre that people who are well off don't get convicted under section 46. If they get intoxicated they get intoxicated at residences or in clubs or in private places and not in public places.

**Mr. Drea:** That is nonsense.

**Mr. Cassidy:** They are not the ones who come up in the drunk parade on Monday mornings. In order to come under this section you have to contravene subsection 3 of section 46 which says you mustn't be drunk in a public place.

**Mr. Drea:** Maybe you should look at the occurrence lists.

**Mr. Cassidy:** This is therefore a piece of legislation which is essentially directed against people who are poor and people who are working class—

**Mr. Drea:** Nonsense.



**Mr. Cassidy:** —people who earn modest incomes.

**Hon. Mr. Handleman:** Don't say that about people in condominiums. You'd better watch that.

**Mr. Cassidy:** What? The people who are living in condominiums might come under it as well? Okay.

**Mr. Drea:** That's nonsense.

**Mr. Cassidy:** Essentially, they are working class in many cases too. They can't afford an ordinary kind of house. In most cases, this is legislation directed against people who are on modest incomes or very, very low incomes because they are the ones who get caught up in the revolving door. They are the ones who get caught up with the whole kind of public alcoholic syndrome.

Middle class people of middle class incomes who are alcoholic come and serve in the Legislature. They go up to their offices. Eventually they may go up to some kind of a farm or some place like that to dry out but it's all done on a much more sedate, quiet kind of a way. They check in at ADARF, down here by the university, and they go into the process there, voluntarily, when they are ready to do it. If they decide they want to get out of the programme at that stage, they can get out because their presence at that point is voluntary rather than being compulsory.

I don't want to say it loudly and stridently but it is a form of class legislation because it does deal mainly with one class and not with another. This is another reason why the civil liberties of a group which tends to get pushed around more by government ought to be respected. That is why I am suggesting this particular section be put forward.

The member for Scarborough Centre clearly doesn't believe that judges can make reasonable judgements when they are faced with a superintendent saying "We've only had the guy or the woman for a couple of days—and we don't know yet;" or "The programme is working and we think they ought to stay here for a while longer." Or, on the other hand, that a judge can't judge when the person says, "I've been here for two months and nothing is happening. In the meantime my family is going to rat shit—excuse me—my family is going to pot and I really want to get out." The judge may be better able to form that opinion than the superintendent who is so concerned about getting a cure that he may lose sight

of the other factors involved in that particular case.

I hope the minister will agree to this. I won't press it any further and we won't call a vote on this particular section. But, if not, I hope the minister would consult with the ADARF about this, with the possibility of bringing in a similar kind of amendment some time over the next few months, if the minister is still in power.

**Mr. Drea:** Before the minister replies, I just want to say one thing. I have heard a lot of Marxist claptrap in my time but this one is really good. I will go over it with you privately because I don't want to embarrass people. I will make it available to you and we can both get it together, because you used to be in the newspaper business. You could look at the occurrence sheets on drunkenness and you can look at the addresses. When you look at the addresses, if you can truthfully say to me in here that there is discrimination between the rich and the poor by virtue of their income or by virtue of the address, I would really like to see it.

Maybe we should go over those for about three or four months. I would suggest this to you very privately, because I don't want to hold anybody up to ridicule. Don't give me this stuff that somebody who is walking down the street or lying in a park, because he has a good suit or a good dress or money in his wallet, is taken to a private place and the ordinary person on skid row or the person in working clothes or who maybe needs a shave is taken somewhere else. I just don't buy that.

**Hon. Mr. Handleman:** Mr. Chairman, I just want to add my own categorical denial that there is any possibility whatsoever of this being class legislation.

**Mr. T. P. Reid (Rainy River):** Will the real minister please stand up?

**Hon. Mr. Handleman:** The member said he didn't want to say it stridently. He said it quietly and it's on the record and I just want to deny it. We are as aware in this ministry, I think, as anybody anywhere in this country of the problem of affluent alcoholism. In fact, it is far more serious than is generally recognized.

I don't know very many people on skid row. Your leader has called me a patrician but I must admit I don't know many people on skid row. I do know people who are in an affluent state of society and who have re-

quired this treatment and have benefited from it.

It is my view, and it is the view of those people who are involved in alcohol addiction, if what we are talking about is a sickness, that the 90-day period is almost essential if we are going to have any kind of progress. We have permitted the judge to use his discretion to have the person detained for a lesser period. In my view, when those cases come before judges, I think they will almost universally declare the 90-day period to be mandatory. However, they do have the option of having it less. Again, in my view, I just want to repeat that the superintendents of these institutions have not abused this power; and it is a power.

I grant you that there is always the possibility of abuse where you have a decision based on opinion. But it would have to be in the opinion of someone who is qualified. Until such time as it is shown to me there is any abuse whatsoever of this kind of power, I would like to leave it in the hands of those people who are fully qualified to make the decision.

Unfortunately, Mr. Chairman, I must once again say I cannot accept the amendment.

**Mr. Chairman:** All those in favour of Mr. Cassidy's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

I declare the amendment defeated.

Section 38, as amended, agreed to.

Section 39 agreed to.

On section 40:

**Mr. Renwick:** I would like to just spend a few minutes on the question of the regulatory power to establish or designate institutions as reclamation centres for the purposes set out in the section which has just carried; and also designating public hospitals as detoxification centres.

I think my record is correct. I think we spoke about this on second reading that there are nine cities which have detoxification centres and the total number of beds available in the province is 245.

I have no idea whether or not the minister has any estimate of what the need is but the best information we can gather is there are at least 35 other localities which have requested detoxification centres or the designation of hospitals as detoxification centres; but the funding is not available through the minister's colleague, the Minister of Health, for that purpose.

I don't know why there is the double-barrelled responsibility. I really can't understand why this minister is responsible for designating public hospitals as detoxification centres when the funding and any money which would be available to provide for that designation and provide that facility comes under the other ministry. I don't understand that. Perhaps the minister can explain to me why, in this bill, we persist in making that provision.

It would seem to me that the sooner the minister got out of the business of the reclamation of alcoholics and spent his time on providing alcoholic beverages it would be better for everybody concerned, including those who needed reclamation.

As I take it, the minister, for practical purposes, can't do anything except make the designation and pass the regulation. All the funds are with his colleague, the Minister of Health; all of the decisions have to be made there. I guess somehow or other he's informed and he passes the regulation. I'm surprised this minister would allow himself to be used for that purpose.

I have no idea of what the need is in the province and I don't pretend for a moment it's the latest information, but certainly in 1973, Mr. Archibald, the executive director of the Alcohol and Drug Addiction Research Foundation, published a booklet which set out some of the indicators of the extent of alcoholism in Ontario. I think the record should show what the findings were because the number of dollars, in the global sense of the term, of the demand of alcoholism on the public sector of the economy is simply immense if these indicators are of any significance. The indicators he stated of alcoholism in Ontario were something as follows:

Ten per cent of the population are alcoholics by whatever definition you use. In 1969, which was the year to which he referred in his study, 22,600 people between the ages of 20 and 70 died. The involvement of alcohol in these deaths was much higher than was anticipated. Alcohol played a role in 38 per cent of the deaths caused by cirrhosis of the liver; 22 per cent of deaths caused by peptic ulcer; 18 per cent of deaths caused by suicide; 15 per cent of deaths caused by pneumonia; 16 per cent of deaths caused by cancer of the upper digestive and respiratory tract; five per cent of deaths caused by heart and artery ailments; 45 per cent of deaths caused by poisoning; 43 per cent of deaths caused by accidental fires; and 25 per cent of deaths caused by falls and other physical trauma.



Of the total deaths, 11 per cent were alcoholics; and alcoholics are twice as likely to die a premature death as are non-alcoholics.

**Mr. Haggerty:** That's a good record, isn't it?

**Mr. Renwick:** The health and social costs, as he estimated them in 1969, were 10 per cent of general public hospital expenditures; this percentage went for alcohol-related problems. Fifteen plus per cent of mental hospital expenditures went for alcohol-related problems. Approximately 20 per cent of the funds dispensed under the Family Benefits Act are because of alcohol-related problems; and about 30 per cent of the costs of the Children's Aid Societies can be attributed to alcohol-related problems in the family.

On an absolute cost basis for illnesses related to alcohol, the following costs were incurred: A total of \$89 million through OHIP; \$17 million through the mental hospitals; \$9 million through family benefits; and about \$11 million through Children's Aid.

These figures exclude municipal welfare costs; cost to business and industry through loss of manpower and productivity; and the cost of the 50 per cent of traffic accidents caused by alcohol or alcohol related.

In general, for every one alcoholic 14 other people are somehow affected—the family, the employer, fellow employees, doctors, friends, ministers and others.

I am sure there may well be a more up-to-date study than that made by Mr. Archibald in 1973. I would suggest to the minister that perhaps he or his colleague, the Minister of Health (Mr. Miller), should commission a further study. This would not be for the purpose of stating exactly what the figures are, but to give some comprehensive indication of the extent to which the costs of alcohol and alcohol-related problems are borne by the public through the taxation system.

I am not going to take the time to put on the record again the relationship between the profits made by the government in the liquor business and the number of dollars contributed for the purpose of what could be called the overall public demand for assistance of one kind or another to those suffering from alcoholism or alcohol-related problems and those who are caught within the net of persons who so suffer.

I just can't conceive why, in the time during which the detoxification centre provision has been in the bill, we've had so few of them established. I really don't think there's

very much of a commitment by the government to dealing with the problem of alcoholism. Certainly there is no indication, if there is, why our information indicates there appears to be no hope for some 35 other localities that would like to have a detoxification centre designated in their area. My colleague, the member for Cochrane South, was telling me that he believes Timmins is on the top of the list to have a designation, but that it's been held up—

**Mr. W. Ferrier (Cochrane South):** Waiting since 1971.

**Mr. Renwick:** They have been waiting and waiting and waiting for it. One could go on, I presume, at great length about this kind of problem; but I would like the minister to respond and I would like, specifically, for him to say why he doesn't chuck it and pass it all over to the Minister of Health and have him deal with it in the way it should be dealt with. And I'd like him to say why the funds aren't available that are required in order to provide for the designation of either the reclamation centres or the detoxification centres.

Incidentally, I would like to know just exactly where the reclamation institutions are at the present time.

**Hon. Mr. Handleman:** Mr. Chairman, I'll try to obtain the answer to that last question during the course of my answer to the remainder of the hon. member's comments.

First of all, I would be the first one to agree—and I have agreed in public and privately—that the need for both detox centres and reclamation centres is much greater than the supply of them. It isn't an easy question to answer why more aren't made available.

**Mr. Stokes:** You are sure building a million dollar revenue by the sale of booze.

**Hon. Mr. Handleman:** This is a red herring, a chestnut, which is always brought up when the question of alcohol-related diseases is mentioned. There is no jurisdiction in the world that has been able to control this by legislation. There just is no way that it can be done. Alcohol is here—

**Mr. Stokes:** You can provide more funds by legislation though.

**Hon. Mr. Handleman:** —it is here to stay and it is controlled in Ontario as well as it is in any jurisdiction in the world. The amount of revenue that derives to the government from alcohol, and I must say this



over and over again, is not related to the cost of alcohol-related problems.

There seems to me, being fairly close to this for the past few months, to have been undue emphasis on the alcoholic. The alcoholic is obviously the most serious problem and the most visible problem. But there has been almost no emphasis at all—until my colleague, the Minister of Health, started his recent education programme—on the cumulative costs of social drinking. This is the kind of thing that really cannot be measured.

**Mr. Renwick:** Oh, a long time before he even thought of it the cumulative cost of social drinking was part and parcel of the problem—

**Hon. Mr. Handleman:** All of the hon. member's comments concerned detox centres, reclamation centres which are designed for the very serious, current, alcoholic problem. But there are other alcohol-related costs which are not measurable. We can exchange excerpts from old speeches and old statistical data that we both have available to us. None of us will even come close to guessing the total cost of alcohol to our society in terms of both dollars and social costs, so I don't want to engage in that kind of a debate, Mr. Chairman.

**Mr. Stokes:** Would you agree that it is extremely large?

**Hon. Mr. Handleman:** We agree that it is extremely large. We agree that the institutions that are now available to cope with the most serious and most evident problems are not sufficient. If I had the kind of funding that could be made available—and I don't have—I might put this a little higher in my ministry's priorities.

The hon. member said I was being imposed on by having this responsibility for designation. I suppose it goes along with the responsibility for enforcement of control which does rest under the two boards which report to the Legislature through me. Therefore, it seemed to be a natural evolution that this ministry be the one to designate institutions.

I am inclined to agree that it could just as easily be done by the Minister of Health, and perhaps some thought could be given to transferring the authority. I must tell the hon. member we both attend cabinet very regularly. When he makes a recommendation, it generally is accepted by my ministry without any comment or argument. As a matter of fact, I am always pleased when

I am able to make this kind of designation, because it's one of the constructive things that I can do. I am fully aware of the responsibility that rests on my shoulders as the purveyor of booze.

**Mr. Stokes:** Is it going to salve your conscience when you get \$400 million from booze?

**Hon. Mr. Handleman:** Having purveyed that terrible product which has to some extent caused the need for these detox centres, I think maybe my conscience is helped and salvaged a bit by being able to designate at least some areas and some centres for the treatment of the disease.

I suppose until such time as we come back with an amendment these two designation subsections will remain in the ministry. I still don't have an answer to the number of reclamation centres, but I will certainly try to get you that before the debate ends.

**Mr. Renwick:** Can you give us a list of those localities in the Province of Ontario that have requested the designation of centres in their areas as detoxification centres and have not as yet had them so designated?

**Hon. Mr. Handleman:** I am not sure, Mr. Chairman, whether that information would be immediately available, but I will try to have it available tonight if it is on record.

**Mr. Renwick:** Explain the procedure to me. Are you, in fact, the end of the road? The information doesn't come to your ministry?

**Hon. Mr. Handleman:** The initiative would be taken through the Ministry of Health. The application is to be made to the Ministry of Health. The designation of the centre, once the decision has been made for the actual funding of a detox centre, its setting up and its incorporation particularly into a public hospital, would be made by the Ministry of Health. The regulation would be signed by me, and really that's what it amounts to.

**Mr. Renwick:** I can't think of anything more ridiculous, I really can't. We are being asked to pass the regulatory authority so that you can designate detoxification centres and you don't know what they are. You don't know which localities want them. It's the Ministry of Health's decision.

I can't conceive that anyone would believe that you divided authority that way. There are no funds in your ministry of any kind, are there? You don't know where or

what the reclamation institutions are and yet we are being asked to grant you the authority to designate them.

**Mr. Stokes:** How do you do it; on the basis of consumption?

**Mr. Renwick:** I am speaking about you as the minister, not you as a person. I think it is just ridiculous in the sense of a responsible ministry to be involved simply in signing your name to a regulation which will appear in the Gazette and that's the end of the matter. I don't care how close you and the Minister of Health are.

I disagree with the proposition that the extent and nature and degree of alcohol-related illnesses, social costs and social burdens are something the Minister of Health—the present incumbent—thought up and that nobody ever thought of before he did.

I think it's most important, if there is any validity to the kind of study which Mr. Archibald made with the very limited resources available to him in 1973, related to the years 1969, 1970 and 1971, that if this government is serious it will commission such a study to find out the degree of social cost related to alcoholism, in its various aspects, borne by the public of the Province of Ontario. I think that until that is done people will simply say: "We know it is a very big problem" but nobody will analyse it.

Nobody will try to study it, nobody will try to deal with it. We will be subjected from time to time to advertising campaigns of one kind or another. We'll find these very limited number of detoxification centres. We'll find very few reclamation institutions designated. We'll go through all of this ritual.

I am not suggesting for one single moment there is any conceivable way this ministry or this government or the Minister of Health is going to solve the problem; but at least the way in which you look at problems is to analyse what the extent and nature of the problem is—all of its component parts—and what the overall costs are. Then you say: "Is there something intelligent we can do about it?"—other than simply having an advertising campaign with respect to the problems of alcoholism.

We have seen fractured studies of all kinds on various elements in the alcohol picture. Lately it has become fashionable to talk again about alcoholism at the workplace—I don't know whether you have noticed that—but there is really no serious attempt to deal with the problem. I am not

saying there aren't a lot of well-meaning people who are trying hard in specific situations and in specific organizations to cope with it, but these things come and go as fashions.

They are like the battered baby syndrome. Every couple of years there is another upsurge of publicity about that; and there is another upsurge of publicity about alcoholism and suicide; or there is another upturn on alcoholism at the workplace or alcoholism and the cost to the Children's Aid. But that doesn't solve anything.

When government feels the impact of it, it embarks on an advertising programme to tell people the obvious; whereas in our judgement it is a problem of the Ministry of Health, Ministry of Community and Social Services, and Ministry of Correctional Services. Those are the ministries which somehow or other have to deal with it. I think it is completely diversionary and non-productive for anyone to think this minister should be saddled with this kind of responsibility.

**Hon. Mr. Handleman:** Mr. Chairman, I want to concur with almost everything the member has said. The last serious study of alcohol-related diseases, I think, is about 20 years old. Certainly, in my view, it is time we updated our data on this very serious topic. I am not too sure this government should be embarking on it on its own. It's a national problem, it's probably an international problem.

This is really something on which the Minister of Health should take the initiative, and I quite agree with you that simply designating these institutions does not make my ministry in any way a contributor to the solution of the problems. It would probably be a housekeeping amendment if it was necessary. At the present time we are asking for the power because nobody else has it and I am sure you wouldn't want the designations to cease.

**Mr. Renwick:** Mr. Chairman, I agree. I am not introducing an amendment to delete this provision. All we are trying to say—and I think I would have the support of any number of people, including the minister himself—is it's just ridiculous.

**Mr. Stokes:** Put it someplace where it will have some relevance.

**Mr. Renwick:** The sooner you get it over to the Ministry of Health and fix him with responsibility for it, the sooner we may be able to get some kind of action for those localities which want this rudimentary institu-



tion at least to be available to them for the treatment of persons who are obviously addicted to alcohol.

**Mr. Singer:** They could bring Allan Lawrence back.

**Mr. Stokes:** Mr. Chairman, I would like to make a few comments on clause (j) of section 40 which has to do with advertising. Do you have it within your power, or do you have any inclination, to restrict the nature and the kind of advertising which is permissible? I am sure everybody is aware of the kind of advertising which goes on, particularly during the intermissions at sporting events, hockey games, things of that nature, where one brewery tries to create the impression that if you are going to be "with it," if you are going to be part of the swinging society, if you are going to be—

**Mr. Ferrier:** Popular?

**Mr. Stokes:** —with the go-go crowd, that you have to consume their beverages, even if you are on a fishing trip—which is illegal, according to certain sections of this Act. They show you out beside the fishing hole or out on the end of a dock; they show you in any number of situations where it is stylish, popular, the only way to go, to have a bottle of their particular product in your fist.

I am just wondering, since some of the scenes that are depicted in those ads, which extol the virtues of their product, are even in contravention of this very Act, particularly section 46, where it is a contravention to consume alcoholic beverages in a public place, doesn't the minister think he has a responsibility to at least monitor the kinds of ads that are going over and seeing whether or not some of the statements that are made—you know, I can go out fishing, I can go out and play baseball, I can go out and golf; I can go and do almost anything without having to have a bottle of beer either in my hand or close by in a cooler.

**Mr. Reid:** Speaking strictly for yourself.

**Mr. Stokes:** I think I am speaking for you too. If you didn't have it, I think you could do quite well without it.

**Mr. Breithaupt:** Would you rather?

**Mr. Stokes:** I think it is offensive that people should be allowed to create the impression that if you are with it at all, you can only be with it if you use their product. As corny as it may sound, I think that advertising does have a very real and profound effect on the buying habits of people.

I think it does have a deleterious effect, particularly on our youth when they are at an impressionable age. I have youngsters of my own at home, and I tend to think they are swayed by this kind of persuasion. I think it is time the minister took a really good look at the kind and quality of advertising; and I think we could well do with a good deal less of it. I would like the minister to comment on it.

**Hon. Mr. Handleman:** Mr. Chairman, first of all, there is a section later on which makes advertising that is not in accordance with the regulation passed under this subsection an offence.

**Mr. Stokes:** We don't have the regulations; that is the problem.

**Hon. Mr. Handleman:** We do have existing standards which have the force of regulation. I must say, when the hon. member asks us to monitor the advertising, in fact it is pre-cleared at the present time with the Liquor Control Board, and in the future, it will be done under this Act, by the Liquor Licence Board or a committee thereof. All of the advertising, which the member sees at half-time on television, I assume—because it is not being done on the field—is cleared with the board. They must comply with certain standards and guidelines which have been laid down.

The CRTC, under the Broadcasting Act, has and uses certain powers to control advertising; and the directives which have been issued by the Liquor Control Board of Ontario are in accordance with the regulations under the Broadcasting Act. I thought I just might read one of the sections which govern the standards. It deals with all advertisements: "All such advertisements, commercials and endorsements shall be—"

**Mr. Singer:** What are you reading from?

**Hon. Mr. Handleman:** I am reading from the "Directive on Advertising and Sales Promotion," revised Dec. 1, 1974.

**Mr. Singer:** Published by whom?

**Hon. Mr. Handleman:** Published by the Liquor Control Board of Ontario. It says:

All such advertisements, commercials and endorsements shall be directed towards and emphasize the nature and quality of the product being advertised and shall not imply directly or indirectly that social, personal or business success, recognition or achievement, may be acquired or result



from the use of such product being advertised.

Then it goes on to say, of course, that advertising should concentrate on the merits of the brand, rather than the product—

**Mr. F. Young (Yorkview):** That doesn't happen.

**Hon. Mr. Handleman:** —and advertise the moderate and responsible use of the particular product.

**Mr. H. Worton (Wellington South):** They just don't do it.

**Hon. Mr. Handleman:** In the past year or so, media advertising, particularly electronic media advertising, has been reduced by approximately 40 per cent over what it was the previous year. We are continually negotiating with the industry.

These are revised approximately once a year. When they are put out there is response from the industry and they point out certain problems that may arise. There is a great lead time, as I am sure all members are aware, in the preparation of television advertising, and that is the reason you must give adequate notice. People have invested large amounts of money in television advertising and, therefore, we do give them long notice before these go into effect so that they are aware of them when they are preparing their advertising for the coming season.

So the total thrust of our advertising controls are to reduce advertising, to control the nature of advertising, to encourage brand emphasis in the advertising and to encourage moderation in the consumption of alcohol.

**Mr. Stokes:** Let me refer the minister to section 46, subsection 2: "No person shall consume liquor in any place other than a premises in respect of which a licence or a permit is issued or a residence."

Now, just take a look at some of those beer ads; they are sitting out on the side of a river saying what great sons their fishermen are—or what great fishermen their sons are—

**Mr. Reid:** Or something like that.

**Mr. Stokes:** —or something like that.

**Mr. Breithaupt:** Take a look at the members' lounge. That is not in either of those either.

**Mr. Stokes:** No, but take a look at that ad and see if it is not in contravention of your own bill.

**Hon. Mr. Handleman:** Mr. Chairman, it is not in contravention of our bill because the tent is now considered a residence, and the environs of the tent are considered a residence.

**Mr. Singer:** How about painting sailboats?

**Hon. Mr. Handleman:** First of all, there isn't anything being consumed. It's in a glass, of course, as you know. We don't permit it to be consumed.

**Mr. Breithaupt:** But I bet I know what's in that glass.

**Hon. Mr. Handleman:** I understand that one performer—

**Mr. Reid:** That is what they call simulation.

**Hon. Mr. Handleman:** —that's right—one performer has threatened to consume some on the air, and fortunately—

**Mr. Breithaupt:** Shocking.

**Mr. Singer:** Oh, dear.

**Hon. Mr. Handleman:** —all these ads are prepared on tape so they are edited.

**Mr. Worton:** As long as you are only looking at it you are okay, but if you drink it you are in trouble.

**Hon. Mr. Handleman:** But that particular ad you mention does meet the requirements and does fit. Now we all know that advertising people are very ingenious in developing advertising which will meet their clients' interests.

**Mr. Stokes:** So all you have to do is carry a tent in one hand and a bottle of beer in the other and it is legal.

**Hon. Mr. Handleman:** We have seen, for example, and I am sure the hon. member has seen the one, although he didn't mention it, where a case is being handed from a boat to a group on a wharf and it is dropped in the water and it is picked up. But you never see the case being opened.

**An hon. member:** Oh, come on.

**Hon. Mr. Handleman:** It's within the regulations. It may very well be that we have to tighten up on the regulations, but as I say—

**Mr. Stokes:** Sid, you don't believe that?

**Mr. Cassidy:** This is very specious.

**Hon. Mr. Handleman:** Well, the advertising people are very ingenious in meeting the requirements of the regulations and directives.

**Mr. Stokes:** Well then the regulations should be changed.

**Hon. Mr. Handleman:** Well obviously, but I am saying that we have changed them.

**Mr. Singer:** They are not even regulations, they are directives.

**Hon. Mr. Handleman:** They have the force of regulations because it's an offence—

**Mr. Singer:** You don't need it, because you are the only customer. They will do exactly what you tell them.

**Hon. Mr. Handleman:** Almost every month violations of these directives take place and measures are taken against the violators.

**Mr. Singer:** Sure, you stop buying his beer.

**Hon. Mr. Handleman:** No. We can deprive them of certain privileges which they are entitled to under the Act and we have, in fact, done so. So these directives are enforced. They have the force of regulations under the Act. They will have regulatory authority.

**Mr. Breithaupt:** You sure can.

It being 6 o'clock, p.m., the House took recess.

## CONTENTS

---

Tuesday, June 24, 1975

Accelerated family rental housing, statement by Mr. Irvine .....	3305
Cancer treatment at Ottawa hospital, statement by Mr. Miller .....	3306
Federal budget, statement by Mr. Davis .....	3307
Energy prices, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Shulman, Mr. Lewis, Mr. Stokes .....	3311
Hydro rates, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Lewis .....	3314
Energy prices, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Lewis, Mr. MacDonald...	3315
Whitby psychiatric hospital, questions of Mr. Miller: Mr. Lewis, Mr. Duksza .....	3317
Energy prices, question of Mr. Davis: Mr. Lewis .....	3317
Mopeds, question of Mr. Rhodes: Mr. Bounsall .....	3318
Costs of health care, question of Mr. Miller: Mr. Roy .....	3318
Lake Nipigon fishermen, question of Mr. Bernier: Mr. Stokes .....	3319
Federal budget, question of Mr. Davis: Mr. Bullbrook .....	3320
Solar energy, question of Mr. Timbrell: Mr. Burr .....	3320
Railway relocation, question of Mr. Davis and Mr. Rhodes: Mr. B. Newman .....	3321
Lakeshore psychiatric hospital, questions of Mr. Miller: Mr. Duksza, Mr. Shulman ..	3321
Processing plant strike, questions of Mr. Grossman: Mr. Ruston, Mr. Paterson ....	3322
Cow-calf assistance programme, questions of Mr. Grossman: Mr. MacDonald, Mr. Lewis, Mr. Reid .....	3322
Cancer treatment at Ottawa hospital, question of Mr. Miller: Mr. P. Taylor .....	3322
Public Health Amendment Act, Mr. Miller, first reading .....	3323
Health Insurance Registration Board Repeal Act, Mr. Miller, first reading .....	3323
Health Disciplines Amendment Act, Mr. Miller, first reading .....	3323
Protection of Wages in Bankruptcy or Receivership Act, Mr. Samis, first reading .....	3323
Liquor Licence Act, in committee .....	3323
Recess .....	3346













# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Tuesday, June 24, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 24, 1975

The House resumed at 8 o'clock, p.m.

## LIQUOR LICENCE ACT (concluded)

On section 40:

**Mr. F. Young (Yorkview):** On section 40, subsection (j), just in passing, Mr. Chairman, I wanted to draw the minister's attention to several things here that I think are extremely important.

The report which came out last fall, "Drinking and Driving in the Province of Ontario," with which the minister is familiar, I'm sure, was a pretty comprehensive survey of this problem of the drinking driver and the effect advertising has on the problem. We were discussing just at 6 o'clock the problem of the advertising and its effect on the youthful driver and the youthful person.

There are some figures here that I just want to put on the record. Young people, in particular, are susceptible to this kind of thing. I will quote from the report:

In terms of absolute numbers of drinking drivers involved in collisions, it can be said the absolute numbers of drinking drivers have increased annually since 1970, with increases being greater for drivers below the age of 35. For drivers aged 25 years or older, proportions have remained relatively constant during that period, but for the 16-to-19 and the 20-to-24 age groups there has been a sharp increase in the proportion of drinking drivers in all collisions since 1970. The increase is more evident in the 16-to-19 age group. These increases may be associated with the lowering of the legal drinking age from 21 to 18, which occurred in mid-1971.

We also have before us the results of the survey taken in London, Ont., in connection with 18- and 19-year-olds. Alcohol-related collisions for this age group, we are told, increased 339 per cent; and the number killed more than doubled just the year following the lowering of the drinking age. Alcohol-related collisions for this group, 19 and up, increased by 346 per cent, and the rate has climbed steadily since that time.

There's no question, Mr. Chairman, that the advertising that is going on has a profound effect on this age group and it's geared to them directly.

The Saskatchewan report, which corresponds to this one in Ontario, recommends, among other things, that no commercial advertising of beverage alcohol be permitted within the Province of Saskatchewan. They also say this, which is extremely interesting:

World-wide experience indicates that increased general consumption has been shown to be accompanied by increased alcoholism. As overall consumption increases, both the number who drink more heavily and the number who drink excessively, increased proportionately.

Then, again, they go on to point out that the only way we're going to cut down on alcoholism, cut down on the whole problem of drinking, driving and accidents caused by alcohol is by lowering the total consumption of alcohol. The whole drive of the advertising campaign that the member for Thunder Bay (Mr. Stokes) raised this afternoon is, of course, to increase the consumption of alcohol.

I know that the argument is made, and the minister mentioned it, that the design of these ads is to promote the sale of a particular brand. But there's no question that it's geared not only to promote the sale of that brand, but to make the whole process respectable, to link happiness and joy and prosperity and good times with the consumption of alcohol, and thereby increase that consumption. As we see the curve going up, I think this province should be as concerned as many others are about that increased consumption—not only increased consumption, but the increase of hard liquor as compared with beer and wine.

All I'm saying to you, Mr. Minister, is this, that somehow or other we have to face this problem of advertising. Already the Ministry of Health has embarked on a programme to make people aware that excessive drinking is not the best thing. I use that word "excessive" deliberately because this is part of a campaign. They say that moderation is not bad but excess is terrible. The problem is



that the resources that we are allocating to that kind of advertising are infinitesimal in comparison with the resources that the industry is spending on the promotion and the extension of the habit of consuming alcoholic beverages.

I think we must come eventually to this recommendation of the Saskatchewan commission—and it is reflected too in the Ontario one—that advertising should be prohibited. I know that's a real problem for the minister and a real problem for government. At the same time, I think we must change the regulations so that the kind of picture that's presented in the TV ads particularly today, as well as the newspaper ads, can be modified and somehow or other those ads present the true picture of the danger of alcoholism.

While I suppose we can't expect the brewers and the distillers to think in those terms and to present the danger, perhaps this government has to cut back on the appeal of these ads and do something dramatic and practical in this whole field.

I bring these matters to the attention of the minister. I know he is familiar with them. I think they should be on record again tonight. I hope the minister, in the whole consideration of advertising and the regulations of advertising, will take these matters very seriously to heart.

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): To make a response to the hon. member's remarks, first of all, it may be surprising that the increase in consumption which he mentioned has been accompanied by a sharp drop in advertising volume. There really doesn't seem to be any correlation between the amount of advertising and the amount of liquor consumed. Furthermore, hard liquor sales have not increased. The big increase has been in wine, particularly in the area of pop wine, fortified wine, with an increase of about 20 per cent per year over the past two or three years. Some of the distillers, and I am sure the member is familiar with them, have really promoted moderation in drinking, not completely out of altruistic motives but they recognize the repercussions that can come from increased alcoholism and alcohol abuse. They themselves in their own interest have embarked on programmes of advertising moderation.

**Mr. J. E. Stokes** (Thunder Bay): The distilleries have, but not the breweries.

**Hon. Mr. Handleman**: Well, I say the distillers have. Under our directives we are

cutting back. We are trying to mould it. It is a slow process because there have been certain things allowed. It will take some time for that investment to be amortized but we are embarking on new advertising directives. Under the regulation that we are now talking about, it will be directly within the power of the Lieutenant Governor in Council to make these regulations. At the present time we have been operating under board directives which have the force of law but perhaps are not as flexible as Lieutenant Governor in Council regulations might be.

**Mr. G. Samis** (Stormont): Do you have the figures on distillery advertising?

**Hon. Mr. Handleman**: Our figures show that the total volume of alcohol beverage advertising is down 40 per cent from the previous year under the old directives. The new directives have cut the volume down because they have required the volume to be reduced. It is not anything voluntary on the part of the distillers.

**Mr. Young**: The advertising is much more sophisticated though.

**Hon. Mr. Handleman**: Advertisers, as I mentioned prior to the dinner break, are quite ingenious and are very creative and artistic. I don't know how we can stand in the way of that artistry without going the total ban route that you have suggested. Despite the recommendation, Saskatchewan has not banned advertising of liquors.

**Mr. Young**: Mr. Chairman, just again to quote the report and put the figures on record, I am not sure that I understood the minister correctly, but let me give him these figures from the report. In 1967, Ontario consumed 125 million gallons of alcoholic beverages. For 1973, this had risen to 167 million. The relative amount of hard liquor and wine used is rising faster than beer. This is what the report says:

Beer consumption rose from 112 million gallons in 1967 to 146 million in 1973, an increase of about 30 per cent, but during the same period consumption of spirits rose from 8½ million gallons to 12½ million, up almost 50 per cent, and wine rose from four million gallons to 8.6 million, an increase of over 100 per cent.

That, of course, is what the minister has said, that wine had gone up. It's remarkable: Beer retains its place, of course, as the most popular alcoholic beverage in Ontario, but I think what we tend to forget is that a bottle or can of beer has the same alcoholic

content as a shot of hard liquor, and about half the alcoholics in the province are beer drinkers; they are beer alcoholics. So the consumption of beer, of course, leads to alcoholism the same as the consumption of hard liquor.

I thought those figures should be placed on the record because there is no question that the swing is to hard liquor. While liquor itself is not advertised in the same way, there is no question that the sophistication of the beer ads, linking beer with good times, and all the beauty and the charisma that is put into them lately has made them much much more powerful than the old ads used to be.

**Mr. Chairman:** The member for Perth.

**Mr. H. Edighoffer (Perth):** I'd just like to say a word or two on advertising. I have made a comment or two in the Legislature and I think I took part in a debate on a previous occasion, suggesting that this type of advertising should be banned. But I just wondered if I could get the feeling of the minister, particularly on the type of advertising that the Ministry of Health is doing. I know that a great amount of their advertising in that latest promotion might be all right—

**Mr. R. Haggerty (Welland South):** About \$560,000 worth.

**Mr. Edighoffer:** —but I am thinking in particular of the one with the excellent pictures of the different types of drinks; tied in with the drinks, of course, are types of recreation partaken in by the people of Ontario. They say that a picture is worth a thousand words. In this particular advertisement there are 12 pictures, so I'd say the pictures are worth 12,000 words; in addition, there are about a dozen actual words.

I feel that this type of advertising still plays right into the hands of the producers and seems to be similar to the type of advertising that they are producing. If the minister would like to make a comment, I'd appreciate hearing it.

If I may go back to the directives issued by the board, I believe, the minister stated before the dinner hour that they were pretty well set out, but I noticed the preface states that these guidelines are more flexible than statute law and can be changed without reference to the Legislature. That's quite true, but I am just wondering whether the Legislature should have more power in assisting in the setting up of these directives.

While I am on my feet I also want to ask another question. I really don't know what section this would come under, because actually it is covered in the draft code. On page 12 of the code—it's under section 12 as well, I now notice—there is reference to the list that must be displayed to customers in any licensed premises. Under 16(c) it says: "The prices at which drinks may be purchased must be displayed in the licensed premises." I just want to ask the minister to make certain that this would include all types of drinks that are served in a licensed premises. I wonder if that includes the tea, coffee and milk which he seemed to talk about so much before introducing the legislation.

**Mr. Chairman:** Shall section 40(j) carry?

**Mr. Haggerty:** Oh, just a minute.

**Mr. Stokes:** No.

**Mr. J. A. Renwick (Riverdale):** Wait a minute.

**Mr. Haggerty:** The minister perhaps should have a comment in response to the member for Perth.

**Hon. Mr. Handleman:** Yes, the member held up one of the posters that I believe the Ministry of Health distributed. That's the one that says, "Drinking doesn't go with everything," or something of that nature. Yes, I looked at it once and I wasn't too sure whether it was an ad for one of the distilleries or an ad promoting moderation. It does make the drinks look very attractive. On the other hand, I have seen one of the distillers' ads—which has a hand over a very attractive-looking mixed drink saying "I've had enough."

I think what the Ministry of Health is trying to do, and what we did in some of our consumer advertising, is to adopt the techniques of those very sophisticated advertisers to promote the cause of moderation. We did the same thing. We used the hard sell technique to promote caution against the hard sell technique.

As you know, we discussed this in our estimates. I think the ministry took the best advice it could, from people who are skilled in the advertising world, and followed their suggestions. They may not have succeeded in every aspect of their campaign. I think it would be unusual if an advertising campaign was perfect in every one of its details.

As far as the directives being passed, with reference to the legislation, is concerned I



think you'll find that there is a degree of flexibility required. We do run into situations that require fairly quick action. As I recall, these had no sooner been published than there were found to be certain discrepancies in them, which could be corrected immediately by reference to the board, rather than requiring legislation.

Of course, under the new legislation they can be done by changing a regulation fairly quickly. I have taken into account your comments on the draft code. Of course, as I have previously stated, the draft code is not the final regulations. Your comments will be taken into account. We had only intended, in that particular section of the code, to include alcoholic beverages but, perhaps, all of the stock and trade of the licensed premise should be included on the price list.

**Mr. Chairman:** The member for Welland South.

**Mr. Haggerty:** Mr. Chairman, I just wanted to go back here a little bit. I'm not satisfied with the minister's answer. If one looks at the advertising that is on here—and, perhaps, those that are advertised on television—you'd think it was the same advertising group that designed the whole scheme. There are six different spirits that one can see on this brochure. Perhaps, if you had followed the programme that the Minister of Transportation and Communications (Mr. Rhodes) has, the buckle-up programme; you know, that one where he has the impact of an accident—you would have got the message across right away.

Then there is one on fishing where you see someone applying mouth-to-mouth resuscitation; and you can go on down the list. It ends up with one showing the west entrance of Maple Leaf Gardens. If you can tie that in with the present television programmes that advertise liquor and beer, it almost looks like the same advertiser providing the same brochure.

There is only one place marked in here where there is no reference to drinks and that is the golf tee—it is non-spirit. But the ball indicates go on and have a ball. I suggest, Mr. Minister, that I would bring that to the attention of the Minister of Health (Mr. Miller). That type of advertising is nothing but sheer foolishness, nonsense, folly.

**Mr. Samis:** Look at the heading. It's a good one.

**Mr. Haggerty:** Yes, and on this "Drinking doesn't have to be a part of everything" then it goes on to say, at the bottom, "Mix a

little thinking with your drinking." Of course, the impact is to think about drinking. What a folly—\$560,000 for that.

**Hon. Mr. Handleman:** Mr. Chairman, it's one item out of a large campaign. I think the hon. member should raise it with the Minister of Health, if he feels it is inappropriate to the campaign. Certainly he is entitled to that opinion.

**Mr. Chairman:** The hon. member for Thunder Bay.

**Mr. Stokes:** I spoke on this just before 6 o'clock and I have done a little bit of thinking about it since then. Here you have the Ministry of Consumer and Commercial Relations, which is responsible for the administration of the Liquor Control Board of Ontario and the Liquor Licence Board, the sole agent for the dispensing—certainly at the wholesale level—of all alcoholic beverages in the province. I forget how much you yourselves make as a result of the purchase and the resale.

**Mr. Young:** Three hundred and seventy million dollars.

**Mr. Stokes:** All right, it's close to \$400 million that we as taxpayers of the province get as the result of your ability to market and to sell alcoholic beverages. Then we have the administrative costs of both the Liquor Licence Board and the Liquor Control Board in the Province of Ontario.

Then you have the quite considerable budget of the Ministry of Health which is responsible for the detoxification centres in the Province of Ontario and picking up certainly a portion of the social costs of people's abuse and excessive use of alcoholic beverages. Then you have the industry itself spending heaven knows how many tens of millions of dollars on its advertising campaign extolling the virtues of the purchase of these beverages. Then you have the tremendous amount of money being spent by the Addiction Research Foundation through the Ministry of Health.

After all this, you have this educational and promotional job being done by the Ministry of Health, trying to warn people about the consequences of the abuse of alcohol.

I attended the seminar at Confederation College in Thunder Bay a few weeks ago and quite frankly I was impressed. It was the first of a series of productions under the sponsorship of the Ministry of Health. In all fairness to them I would have to say I was impressed with that presentation and if future productions and promotion of that particular scheme will tend to highlight the conse-



quences of excessive use or abuse of alcohol, I think they are on the right track. When one considers the literally tens of millions of dollars in expense to society as a whole of the social and economic costs of the abuse of alcohol, if that \$560,000 being spent in this current year by the Ministry of Health served the purpose it is intended to serve, I think the money is well spent.

Getting back to this particular section of this bill, I think it is absolutely ludicrous that you people should be spending millions and millions of dollars trying to pick up the pieces of people who really haven't been able to control their urge to drink. When you consider the millions and millions of dollars it is costing OHIP and other forms of social assistance because of family breakups; because of the inability of family heads to produce a decent standard of living for their families; when you consider the tens and tens of millions of dollars it is costing you and we, as a society, as a result of the abuses of alcohol; I think it is absolutely ludicrous that you, the ministry responsible for the sale and the wise use of alcohol, allow these people to spend literally tens of millions of dollars promoting the sale of it. If people like it, they are going to drink it anyway.

To spend tens of millions of dollars on media of all forms, in order to promote even greater use of it, I think is counterproductive. The more successful they are in promoting their own particular products, the more problems you and I, as people responsible for keeping an orderly society, are going to face in social and economic terms.

I think if you were really sincere you would say "If one teenager or one individual in society is enticed to drink more as a result of this kind of advertising, I think you should stop and I think you should stop it now." I think you're being a little bit hypocritical to suggest that it's fine and dandy because you are monitoring it and that as long as it falls within the four walls of your regulations it's quite acceptable.

I'm sure, if you're being honest with us here tonight and honest with yourself, I think you yourself are offended by some of those ads that come across. I'm sure you snicker to yourself and say: "Well, they're really not kidding me. I know what their ulterior motive is. They want to sell more booze that creates more problems for society in social and economic terms." I think it's counterproductive. I think you should ban it entirely.

**Mr. Chairman:** The hon. member for Wellington South.

**Mr. H. Worton (Wellington South):** Mr. Chairman, I would like to ask the minister, are the convictions that are recorded in regard to alcoholic offences passed on to your ministry? I would like to know if you have any records of last year's convictions. I noticed in the annual report of the Ministry of the Solicitor General that there were some 35,000 convictions under the Liquor Control Act and some 11,000 under driving while impaired and in excess of 80 mg of alcohol in the blood. Do you have any record as to whether that's up or down over previous years?

**Hon. Mr. Handleman:** Those figures, Mr. Chairman, would be kept by the Attorney General (Mr. Clement) and we would have no knowledge of them. The charges are laid in the courts and the Attorney General is responsible for the operation of the courts.

**Mr. Stokes:** That's the trouble. You don't know what you're doing.

**Mr. Worton:** Wouldn't it be to your advantage to have these to assess just what is happening in the way of involvement of persons in the abuse of alcohol? Wouldn't this be a factor?

**Hon. Mr. Handleman:** Certainly those are available to us. If I might just revert back to the previous speaker, there has not yet been a jurisdiction that has been able to control this by legislation. I don't know of one anywhere in the world. We've looked to see how best to control the distribution of alcohol and to reduce the social costs of abuse and the impaired driving charges and we haven't been able to find a place that has been able to do it by legislation. You can have prohibition but if people want it they will get it even if you prohibit the product itself, let alone the advertising.

There's really very little to show that consumption is any greater because of the ads. As a matter of fact, we've shown that consumption has gone up and advertising has gone down. There doesn't seem to be any relationship between them. I quite agree that the advertisers are very ingenious. They are very creative and innovative. They have used every aspect of the directives—I'm quite sincere in this, as I've watched the ads—primarily to promote their brand. Perhaps in promoting their brand they promote the consumption.

**Mr. F. A. Burr (Sandwich-Riverside):** Ban the advertising.

**Hon. Mr. Handleman:** They are promoting brands in accordance with the directives. It's all well and good to say ban the advertising. We have tried this with other products. Tobacco advertising has been stopped on television—not completely, but on television.

**Mr. Young:** But you increase it in other ways.

**Hon. Mr. Handleman:** That hasn't stopped the consumption of tobacco from going up, the use of tobacco and the abuse of it. It is ridiculous to show, as some of the tobacco ads in the magazines do, people having a great time, when at the bottom it says: "The Surgeon General warns you that this is harmful to your health." They're required to put the warning on, and it hasn't stopped anybody from buying the product.

I think there's a great deal to be said about advertising, but I don't really believe that it has created overconsumption in the market.

**Mr. Chairman:** The hon. member for Stormont.

**Mr. Samis:** First of all, I apologize for missing out on the debate this afternoon on this bill. While I share the concern of my colleague from Thunder Bay about the tremendous impact of advertising, I have to agree with the minister. I recall in my student days having visited the Soviet Union, where advertising, as you well know, is banned, and they have very serious drinking problems over there.

It's interesting from my days of teaching in high school seeing why people are attracted to drink. I think with young people advertising undoubtedly is an influence, but I think there are other factors as well, such as the social mores and the values of a particular society.

What I would like to ask the minister is in his research for this bill has he found any jurisdictions that he would regard as a model in terms of how they treat the whole question of advertising of beer, wine and spirits? I would just like to know what your overall philosophical attitude is and what your ideal is in terms of how we treat this in the future—not just this year, but for the next five to 10 years—and where we're going in our society.

**Hon. Mr. Handleman:** Of course I don't want to hedge behind not having been the minister, but I have read the research. This was done on both advertising and marketing, and it was felt that people were looking at Ontario as the model.

Ontario and Quebec have together developed this advertising directive, because that's where the majority of the advertising originates. We have also worked with the Canadian Radio-Television Commission, which has the responsibility under the Broadcasting Act.

We think that among the three authorities, that is, Ontario and Quebec and the CRTC, as well as the liquor commissioners in the other provinces, that we have developed in Canada one of the most sensible sets of advertising directives—and they are pretty well standard across the country—that exist anywhere in the world.

**Mr. Samis:** How about the international scene? The Commonwealth countries?

**Hon. Mr. Handleman:** No, well, the Communist countries are of course—

**Mr. Samis:** No, the Commonwealth countries.

**Hon. Mr. Handleman:** There are very little restrictions on advertising in any of the Commonwealth countries. I had hoped to be able to visit some of them this summer, but I won't be able to find the time—but we were hoping to see which direction they were going.

The hon. member did ask what direction we intended to go, and I can only say that the directives can become more stringent as time goes along, with the co-operation of the CRTC. We will continue to reduce the number of hours which are allowed on television, particularly.

We may, for example, allow the kind of thing that the member for High Park (Mr. Shulman) complained about, the umbrellas outside an unlicensed restaurant. I don't think it caused any great harm; but those aren't permitted in the directives and, therefore, they were removed voluntarily by the importer.

I think we have to rationalize our directives, and at the same time going in the area of further reduction of advertising—but a complete ban, I think, would be counter-productive.

**Mr. Samis:** May I ask what your research has shown in terms of European countries, whether they have liberalized or toughened their laws in advertising and compared the facts on drinking habits and alcoholism and so on? Have you come across any information to that effect?

**Hon. Mr. Handleman:** The European countries have almost no prohibitions what-



soever. They consider liquor to be part of the free market in most of the countries, including the socialist countries and—

**Mr. Young:** Some of them are very tough with convicted drivers, for example.

**Hon. Mr. Handleman:** In Sweden, for example, there are no curbs that I know of on advertising. Liquor is freely sold at almost every outlet. As you know, Britain has a hodge-podge of drinking hours, but that's about the only control they have in Britain. They may look at Ontario as being a place where the drinking laws are very restrictive. We are only now, I think, coming to the point where we are rationalizing them without liberalizing them.

**Mr. Young:** They are very tough on convicted drivers.

**Hon. Mr. Handleman:** Oh, that is another matter. I will speak to you on insurance.

**Mr. Samis:** Could I just ask one final question? Has there been any evolution in drinking in the European countries, because, obviously, it is a serious problem with the Mediterranean countries? Is there any evolution in terms of controls or education of any sort? They are more experienced with this problem than we are, obviously.

**Hon. Mr. Handleman:** They have only recently recognized the problem in their own countries. We talked this afternoon about alcoholism being the very dramatic evidence of alcohol abuse, but probably not being the worst aspect of it. The cumulative costs of social drinking are the worst ones. They are now finding, for example, that they may not have as many alcoholics as they thought in countries like France, Italy and Portugal, but they have a tremendous amount of liver problems because of the lifelong drinking habits, so they are now going into education programmes in the schools. They are doing the kinds of moderation drinking advertising that the Minister of Health has started on here. They still haven't got into restrictive legislation in the form that we have here. But I think they are beginning to recognize the problem and perhaps are looking to North America—for a change—for some leadership.

**Mr. Chairman:** Are there any more questions on section 40?

**Mr. Edighoffer:** Yes, Mr. Chairman.

**Mr. Chairman:** What subsection?

**Mr. Edighoffer:** Oh, I am just wondering about subsection (t).

**Mr. Haggerty:** That's a very moderate drink, tea.

**Mr. Chairman:** Any other inquiries previous to (t)?

**Mr. M. Cassidy (Ottawa Centre):** I wasn't aware, Mr. Chairman, that we were going subsection by subsection. There was a focus on subsection (j), and that's why people referred to it, but there was not—

**Mr. Chairman:** I am sorry. I came in tonight as you know and I understand we would do (j).

**Mr. Cassidy:** I had some questions related to section 40 generally; but the other member was up first.

**Mr. Chairman:** If it is ahead of (t), would you like to—

**Mr. Cassidy:** We are not going subsection by subsection, so if the member for Perth wants to go ahead, that's quite all right with me.

**Mr. Chairman:** All right, the member for Perth.

**Mr. Edighoffer:** I am sorry. I guess on the new printed bill it is subsection (u), the identification card. On checking with the board some months ago I found that the identification card seems to be one of the poorer selling items of the board. Subsection (u) says: "Prescribing the form and content of the application for and of the card for proof of age." I wonder if the minister has given any thought to making such a card mandatory for those 18 years old?

**Hon. Mr. Handleman:** Mr. Chairman, no, we haven't.

I'm not sure that I agree with the member when he says it is poor selling. The last report I saw from the LCBO indicates it is a very steady seller. There are several thousand of them going out all the time.

**Mr. Edighoffer:** Oh?

**Hon. Mr. Handleman:** Oh yes. I don't have the figures in front of me, but I happened to be glancing at them yesterday morning, and as I recall there were several thousand sent out in the preceding month—I don't recall the exact figure. No, we haven't given any thought to making it compulsory. I think this becomes a question, I suppose,



of philosophy—of having compulsory identity cards.

**Mr. Samis:** They have them in Alberta, don't they?

**Hon. Mr. Handleman:** Yes. Well we have social security cards now. I don't think that we want to have compulsory identification at this time. We have certainly not given it any thought, although obviously the law could be used for that purpose.

**Mr. Samis:** Could I ask a question on that clause, Mr. Chairman? Could you tell me if you are satisfied with the enforcement in most drinking establishments in this province of the minimum age? Are you satisfied the enforcement is strict enough?

**Hon. Mr. Handleman:** The minimum age? Enforcement is the responsibility of the law officers. Certainly we know there are many people below the minimum age being served. It is an offence under the Act both to serve them and for them to consume alcoholic beverages, and the enforcement has to be left to the law officers and to the licensees. The licensees are punished quite severely when they are found to be contravening the Act.

**Mr. Samis:** You wouldn't have any figures on the number of convictions?

**Hon. Mr. Handleman:** No, that is the Attorney General. You mean convictions—

**Mr. Samis:** For allowing minors to drink on their premises.

**Hon. Mr. Handleman:** We might have those in the Liquor Licence Board. They wouldn't be convictions. Their sanctions would be the suspension or cancellation of a licence.

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** Mr. Chairman, a couple of specific questions and then one or two general ones. On a specific one—I have been looking at the brief from the motel and hotel association. One of the points they raise—which can't be raised in the House directly because they were not down in committee—is the possible licensing of employees rather than just the licensee. Their argument, which I would like to put to the minister, is simply that because there is a shortage of employees in the industry, possibly related to inadequate pay standards I

might say, when an employee is fired because he breached a regulation—and you know the licensee is punished and the employee is fired—he can still come back into the industry because they are helpless, they have to hire somebody. That is the argument they put forward, and they suggest there would be more responsibility exercised by employees if the employee stood the risk of losing the right to work in the beverage-alcohol industry.

I am not sure how severe the problem is, and I'm not sure whether this isn't a bit of a gratuitous attack on people they do generally underpay—because the wages in the industry are pretty bad. But I would like to know what the minister's considerations were on that particular point.

**Hon. Mr. Handleman:** Yes, we discussed this with the association. I don't recall them mentioning anything about a shortage. They did mention the possibility of the person fired in one place for serving a minor getting a job in another place.

**Mr. Cassidy:** Because of the shortage.

**Hon. Mr. Handleman:** I don't think there is that much of a shortage. They did say that through licensing they could at least hold the employee responsible. Our response was, if we start to license all waiters, bartenders and waitresses in this province, we will have a bureaucracy the size of which you would not want to envisage. There is no way we are going to start registering every waiter, every bartender, every waitress in the province—particularly because it is by nature a transient kind of occupation. People work a few weeks then go somewhere else.

It would be an administrative nightmare to try to license them, keep track of them, keep them registered and collect fees for licensing. It was simply not the kind of task that we were prepared to undertake. We felt the privilege of having a licence brought with it the responsibility for supervising your employees to ensure that they obeyed the law, and we told that to the association when it presented its brief.

**Mr. Cassidy:** I wonder if the ministry would consider another approach which might be more positive—and I accept the points made by the minister—and that is, there is training available in the community colleges for people who want to go into restaurant management and for people who want to become chefs and that kind of thing. How far has the ministry or the Liquor Licence Board gone in terms of short training courses

for people who are going to work in the hospitality industry?

This is something that the Ministry of Industry and Tourism may have an interest in as well, in order to help employers and employees upgrade standards. What kind of discussions have there been between the relevant boards or that minister or this minister and the hotel workers' union, which is the main union in the industry, in terms of helping them or working with them in order to upgrade standards? And what steps has the ministry taken in order to encourage employers in the industry to upgrade salaries, job security and the other things that would lead to a better fitted, more capable work force in the industry?

**Hon. Mr. Handleman:** First of all, we have not involved ourselves in the actual training and education of the work force. I think the question of salaries and status of the employees would be more a matter for the Minister of Labour (Mr. MacBeth) and, as you say, the Minister of Industry and Tourism (Mr. Bennett) in the tourist trade. I am somewhat disappointed in that there was an initial response to our request for briefs from the union and then it sort of disappeared. I really had anticipated hearing more from the union, expressing its concerns about this Act and how it might affect its members, than I have heard.

I think we will be taking some initiatives, once the Act is passed and before the regulations are finally drafted, to ensure that we do have some input from them and that they also express some willingness to serve on the advisory council. But as I say, I did get an initial response, I have been looking forward since that time to a more detailed response and I have not had it, so we will probably have to take the initiative to go after the union and get its reaction to what we're doing.

**Mr. Cassidy:** I gather then that you're giving an assurance that there will be significant representation, a number of representatives of employees in the industry, on the liquor advisory committee? Is that right?

**Hon. Mr. Handleman:** The Liquor Advisory Committee will be made up of nominees of associations and, as I say, we really have to locate some of these associations and ask them to give us names. I think I had one representation from one local of the bartenders' union and that was the only one that we had. We will probably look for more. Maybe I will consult with my colleague, the Minister of Labour, to find out who in the

field might be interested in having representation, because we certainly do want a wide variety of representation. But we want them nominated by their own organizations, rather than selecting individuals who come forward.

**Mr. Cassidy:** Perhaps I can suggest this then, I know of two unions that have significant numbers of organized employees—the hotel workers' or bartenders' union and the CBRT, which has a number of people in hotels like the Royal York, the Chateau Laurier in Ottawa, and other hotels across the province. In addition—and I'm not quite sure how you get to them—there are, of course, large numbers of employees in the industry who are not organized. I would suggest further that the minister might consider inviting the Ontario Federation of Labour to nominate one or two people to the Liquor Advisory Committee. Maybe they will be the body to try to find out the people who are in contact with the unorganized workers in the field.

The Liquor Advisory Committee is not statutory, and I would like to know what influence its recommendations will have on the regulations, and whether, specifically, it will be asked to comment every time there are new regulations or changes in the regulations which are being proposed by the ministry? Wouldn't that be a good idea for the minister to accept?

**Hon. Mr. Handleman:** Mr. Chairman, we've deliberately kept the advisory council's terms of reference very loose. The chairman has already expressed a wish to initiate some inquiries of his own and we are certainly not standing in the way of that. At the same time I had expressed a wish to bounce some of the ideas off the council that have come to me during the course of preparation of this legislation. I don't think there is any limit to what they can look into. I have an idea that their work will be so heavy, that they will probably have to break down into subcommittees and report back in that way.

Right now, I would say, I have at least 20 separate and distinct items that I would like them to look at. Of course, they will have right to comment on any changes. As an advisory committee—and I have made it clear to the chairman that the advisory committee is simply that—I hope that their advice will be sound. I expect it to be sound, because they will be appointed to give us sound advice. I am quite sure that we will probably be abiding by most of the things they advise the government to do. They will



always be subject, of course, to the government's final decision.

**Mr. Cassidy:** Maybe I can pursue this even further. This is a kind of "parliament of booze" that we are establishing or that the minister proposes to establish. How many members will there be in the Liquor Advisory Council—or are there now? What associations do they represent? How many come from the manufacturing end of the industry? How many come from the hotels and restaurants and motels—the proprietorial end of the industry? How many come from the employee end of the industry? How many come from those who have to pick up the pieces—the health-care people, the alcohol rehabilitation people and maybe the teetotaler kind of people, who have various kinds of contact with the problems created by alcohol?

**Hon. Mr. Handleman:** The council will be open-ended, Mr. Chairman, and as a result there really is no number set. I haven't even a number in mind. I did see, for the first time last week, a suggested list of groups who should be invited. It was quite long—a sheet of foolscap. It took almost the entire sheet. I have already spoken to Mr. Archibald about giving us three nominees from his group; there are also the Alcohol and Drug Concerns Inc.; the WCTU; the police chiefs; the hotel and motel association; the restaurant association.

You mentioned labour unions, consumer associations. Ethnic groups have been mentioned. We are simply going to try to give it as broad a representation of Ontario society as we possibly can, so that the advice which it gives to the minister, of the day, should be representative of Ontario society. I think it is a very unique experiment in having an open-ended council.

**Mr. Stokes:** Will the minister insist that one native person be on that?

**Hon. Mr. Handleman:** We will ask for nominees from the native peoples groups.

**Mr. Chairman:** The member for Rainy River.

**Mr. Cassidy:** I have a couple more questions, Mr. Chairman. I can take it then that the industry—that is, the hotel and restaurant industry and the manufacturers of beer and spirits—will not dominate the council, is that correct?

**Hon. Mr. Handleman:** Each association, that will be on the final list—which we have not yet drawn up—will be asked to nominate anywhere from three to five people, who are all entirely satisfactory. We would probably try to select one from each association. I expect the list will probably be well balanced between the industry's side, the consumers' side, the health side, the law protecting side—everyone will be on it. It is not going to be a majority type voting council. It will try to reach consensus. Obviously it will not reach unanimity. I don't think, in any subject, will there be unanimity when you are talking about something as sensitive as liquor. We will get, I think, a consensus on a broad range of questions, which we will put to them and which they will investigate on their own initiative. I am really looking forward to the kind of work that they will do. As new groups are brought to the attention of the ministry, we will have no hesitation, whatsoever, in asking them for nominees. But the appointments will be made by the ministry from that list.

We expect shortly to be announcing the executive committee to the chairman. This will be representative of the Consumers' Association which is primarily the general public. That will be one area where there will not be an interest. In other words, these would be members of the public—something along the same line as the chairman—who don't have a specific interest in the industry, except as members of the public. All of the rest of the council will be made up of special interest groups and presumably will promote their own special interests.

**Mr. Cassidy:** Finally, Mr. Chairman, I appreciate these comments from the minister. I raised a number of questions about the draft code of regulations. The minister said that we can't discuss it, because they haven't been passed yet. Could there be an assurance that draft regulations would go before the Liquor Advisory Council, before they are submitted to the Lieutenant Governor in Council? Would that not make a sensible way of handling this situation, in view of the fact that section 40 that we are considering in effect allows the writing of a complete new bill without any kind of oversight by this Parliament and in view of the fact that our regulations committee, as the minister is aware, is completely powerless to look at the content of regulations? All it is concerned about is whether there is legislative authority.

There is ample legislative authority here, but the content of those regulations should come under some form of public scrutiny. I



am not saying you should be bound by the advice of the Liquor Advisory Council, but as a kind of parliament of booze, if they disagree strongly with a particular proposal, working by consensus, it would seem to me that the ministry will take that advice fairly seriously and think twice before going ahead with a regulation that touches off strong opposition, and that mightn't be an unhealthy thing.

**Hon. Mr. Handleman:** Mr. Chairman, we have had the draft code out since April of this year for public scrutiny exactly for that reason. We have had a variety of responses. You referred to the hotel-motel association brief. That is one of several hundred we will be seeing. We are now trying to iron out the conflicting submissions that have been made in the hope that we can see a consensus somewhere that we can put into at least a set of regulations so that we have working legislation and regulations; otherwise we have a vacuum. In those areas where there doesn't seem to be any consensus at all between the pro and anti groups, whatever point it may be, we will, certainly.

That's why I say we have at least 20 different things that I would like to submit to the advisory council so that it can get to work. I think we have a responsibility as a government, once the legislation is passed, to have regulations ready to be proclaimed at the end of the summer so that we can start working under the new legislation, because the new legislation, as you fully recognize, is completely useless without the regulations. We are going to have to pass regulations by the Lieutenant Governor in Council which will be published. Those items which we are not able to resolve will go to the advisory council.

Because of the flexibility of the regulation process, they can be pointed out to us by the advisory council immediately. I hope we don't make any mistakes of that nature, but we can react to them very quickly because the regulation-making process, as distinct from the legislation-amending process, is very, very fast.

**Mr. Cassidy:** Bearing in mind that the draft code of regulations will in effect have to be passed before the Liquor Advisory Council is fully formed, would the minister agree that subsequent changes in regulations will automatically go before the council and before the executive and that they will be informed of them and have some means of reacting before they go up before the Lieutenant Governor in Council?

**Hon. Mr. Handleman:** I can't make that assurance, Mr. Chairman, because it may be necessary to change a regulation very quickly to meet a specific need which had not been anticipated. Obviously the advisory council will have access to any regulations which have been passed by the Lieutenant Governor in Council, and if they don't like them they will certainly not hesitate to let their views be known. But I don't think I can commit the government to submitting it to an advisory council which may consist of 30 to 50 people and may want to conduct a public inquiry for three months in order to solve a problem which is of an urgent, crisis nature and on which we have to act very quickly. I can't make that commitment, Mr. Chairman.

**Mr. Cassidy:** I hope you work in that spirit.

**Hon. Mr. Handleman:** Oh, yes.

**Mr. Chairman:** The member for Rainy River.

**Mr. T. P. Reid (Rainy River):** Mr. Chairman, I would like to carry on with one or two comments from the previous speaker. I spoke at some length during the bill on the Ombudsman in this regard. What has always bothered me, and you alluded to it earlier, is the fact that we set up the people under your direction in the Liquor Control Board and the Liquor Licence Board and everything else and we give them all these kinds of discretionary powers and arbitrary powers that they can really enforce at their whim.

I know there is no easy way around it, and I realize when it comes particularly to the regulations we have a severe problem, because we cannot have the regulations brought in as an amendment to the bill or attached to the bill or whatever. But it has always seemed to me that the intent of the legislation can be frustrated or circumvented or distorted by the regulations that ultimately appear, particularly because they never really appear to be approved, either by the House or a committee of the House.

We don't have to go all through how the regulations are drawn up or finally promulgated, but certainly the members of the House, certainly members of the opposition, never have any input into the way these regulations finally appear in print. Having been a civil servant in my younger days—which was just last week—I realize just exactly how these things can come about and how the regulations can really frustrate the principles of the bills that they are intended to strengthen or give effect to.

I would like to talk to the minister, through you, Mr. Chairman, specifically about subsection (e) of section 40. This one deals with "the issuance of permits for special occasions and prescribing the special occasions for which permits may be issued." I want to tie in my comments on section (e) with what I just said about the regulations, and I want to preface my comments with something that happened to me about three or four years ago.

At that point, of course, I was the member for Rainy River. I was appearing in court in Thunder Bay as a character witness for a Conservative who was up on a drunken driving charge—not really, I would like that struck; I was just trying to get the minister's attention. I was appearing in Thunder Bay at a court hearing where we were trying to have the American bush pilots cut off from flying into Canada, using our recreation areas and hunting and fishing. I was appearing at that court hearing in Thunder Bay, before a tribunal of the federal Ministry of Transport, and I got an urgent long distance phone call from Emo, which is in my riding. Emo has always had a fall fair. Actually it is not a fall fair, it is a summer fair in the summer months. They have a two-week fair and they have cattle shows, and vegetable shows, and they have harness racing and stock car racing and the whole thing. To make a very long story short—because I know the minister has a very short attention span—they had applied for a special occasion permit for an outdoor beer garden at their summer fair.

**Mr. Edighoffer:** It's like a ploughing match.

**Mr. Reid:** That's right, and they had sent in their application, duly certified and notified with all the information, and they had received one of the many curt replies back from the special occasion permits branch saying, "You are not eligible for a special occasion permit; request denied."

No reason was given, nothing. So they contacted me and they got me out of the court hearing and I phoned—and I must admit I can't recall the gentleman's name to whom I spoke in the special occasion permits branch—and I said: "Can you tell me on what basis this application for an outdoor beer garden at this summer fair was turned down?"

The gentleman—and he was a young fellow, which I don't hold against him personally—said, "That's our policy."

I said to him, "Well, if that is your policy, can you quote me the regulation or, alternatively, the part of the section of the Liquor Control Act that that policy is found in, or where you have jurisdiction?"

There was a long silence. He said, "Well I will have to get back to you."

Very shortly, he came back on the phone and said, "Well, there is no regulation or statute jurisdiction for this, but that is the board's policy."

I said, "Well, how do they arrive at policy in these matters?" And he couldn't tell me. I said, "Was the policy decided over a coffee break?" and he said very honestly, "Perhaps it was."

Meanwhile, Mr. Chairman, through you to the minister, they were giving these kind of permits to the summer fairs at Waterloo and all the ones down east within calling distance or driving distance of Toronto. They were getting their special occasion permits and there was no problem.

He called me back in two hours and said, "I have spoken to the powers that be. We are sending them authority to have their beer garden at the Emo summer fair."

That was a particular example of the kind of arbitrary decisions that are made by the board. It is an example, first of all, Mr. Chairman, of the arbitrariness that the board can employ. Had we been within 100 miles of Toronto there would have been no refusal in the first instance—they would have got it. The second was that the board was able to make a decision without any reference to any statute or any regulation. It was simply that those people up in northern Ontario are not entitled to this kind of thing, even though the people in southern Ontario are. That is a very serious problem that we, in northern Ontario, face.

The second problem in this regard is that, as in most areas—and perhaps small towns in northern Ontario are particularly prone to this—there are many special occasion permits that need to be issued, for stags, for weddings, for all the service clubs. It seems that the smaller the community, the more service clubs or community functions are going on that require a special occasion permit.

As the system now stands, they have to go to the Liquor Control Board store for a permit, and they have to say it's for a certain club or organization that is sponsoring it. Then they have to mail it in, with their \$5 or \$10—the amount escapes me—to Toronto. Somebody under Mr. Gertley, if I



recall correctly, looks at the application and says, "All right, is this valid? We will issue the licence."

It seems 50 per cent of the time the authority has to be wired or Telexed down to them. In some cases, because of the slowness of the mail—and I can attest to this—it may take 10 days or longer for a letter to get from Fort Frances or Atikokan or Rainy River or Ignace down to Toronto. It may then sit on somebody's desk for one or two days, so it is quite possible that almost 2½ weeks may go by before somebody looks at it.

What I am working around to is the fact that we should have someone in northwestern Ontario and probably someone in northeastern Ontario, out of Sudbury or Sault Ste. Marie, to have authority to issue the special occasion permits.

It is not as if the people who are applying for these things are Satan's Choice or the Devil's Disciples motorcycle gangs or whatever. It seems to me that our approach to these things should be that this is now, whether we like it or not, a legitimate social function. The local police or the OPP are informed. They have the responsibility to check these kinds of things and if everything is in order the licence should be issued forthwith. The onus should be on the protective elements of our society to ensure that the liquor regulations are being complied with, but it shouldn't be such a hassle.

I say to the minister, through the chairman, that I have had excellent co-operation from Mr. Gertley and the people in that branch. I have no complaints. But it seems to me that it shouldn't be necessary for these people or organizations to have to come to the member and say, "They turned us down. Can you do anything about it?" Nine times out of 10 the application will be approved unless somebody has really made a mess of it.

But the real point is that it seems to me there should be someone in each region of the province—not just northwestern or northeastern Ontario but someone in each region. You could designate, I would think, five regions.

**Mr. Haggerty:** The liquor inspector is right there.

**Mr. Reid:** Even the liquor inspector, as my friend from Welland says, should be able to say, "All right, you have the authority to go ahead. You can buy your 10 cases of beer and four bottles of rye, six

bottles of gin—whatever you want," and notify the local police or the OPP and say, "These people have a permit."

There may be a problem in that you put the local inspector on the spot in case he turns somebody down. But he's being paid for accepting that responsibility. At the very least there should be someone in the region who can Telex back within 20 minutes and say, "You've got the permit. Proceed as you will. All you have to do is follow the liquor regulations as outlined on the back of the application form."

Now, we've been through this, Mr. Chairman, with this minister and his predecessor ad nauseam. It is not a big thing. But it would provide the service, at least to northern Ontario, that people within 100 miles of Toronto enjoy all the time.

I have some other comments. Maybe the minister would like to reply to that one.

**Hon. Mr. Handleman:** Mr. Chairman, I suppose the danger of the long debate is that there are always repetitive questions asked and repetitive answers given. I'll be very brief. We have already dealt with the question of regionalization of the issue of special occasion permits. This is the last ministry you will have to ask because it is now being provided.

**Mr. Reid:** Glad to hear that.

**Hon. Mr. Handleman:** And I think you did a disservice to your riding. I'm sure summer lasts longer than two weeks, even in Rainy River. But I don't think it is really constructive to go over the past history of what has gone on.

In the introduction of the bill it was noted that one of the weaknesses has been the fact that there has been nothing written down that people can refer to and say, "That is the condition under which I will get a licence. I am entitled to one if I meet the conditions."

This is exactly what we are doing with section 40. We are going to have regulations which will be written and to which everybody can refer, saying, "I fit that regulation. Give me my licence." And then, of course, if it is denied, there is an appeal provision.

Of course, in the event that the regulations are not all-embracing, we will have the flexibility to change them. So I really think that the new codification in the new Act will serve to avoid many of those problems. I was pleased to hear you say that you had no complaints because it sounded to me as



though you were complaining about the fact that the licence was not granted in the first place.

But, in terms of the numbers of licences issued, that kind of comment is very very scarce. I think the member would agree, Mr. Chairman, that he has received co-operation. I think all members have had this kind of co-operation when problems arise.

We must have some control. I think the local issuing of permits will enable us not to be overly suspicious of the Devil's Disciples or the Satan's group, whoever they might be. Because it is difficult in Toronto to ascertain who the group is that is applying for the licence.

**Mr. Reid:** I thank the minister. I would also ask his indulgence. I was in his area last night, as a matter of fact—

**Hon. Mr. Handleman:** You stay out of my area.

**Mr. Reid:** —so if I am being unnecessarily repetitive, please stop me. The other point is on subsection (m), "prescribing standards for premises or the part thereof . . ." I may have the wrong section of the Act, but I want to say something to the minister that I hope he will pass on to his inspectors particularly. I would like to preface it by asking if he has the figures on the number of establishments in, let's say, Metro Toronto at his fingertips? Does he have the number of establishments in Metro Toronto that are now licensed under the Liquor Control Act?

The reason I ask is that in northern Ontario we have relatively few licensed bars. Most of our bars are in hotels so we have very few places with tavern licences or a nightclub licence. I have now been in Toronto for eight years and, of course, I would never go into any of these places on Yonge St. myself, unless—

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Who would you go in with?

**Mr. Reid:** —unless the member for Brantford (Mr. Beckett) invited me. That used to happen on occasion before he was elevated to that great place in the sky.

**Hon. R. B. Beckett** (Minister Without Portfolio): Even now I am not that hard up.

**Mr. Reid:** I must say that over the period of eight years I have been here, Mr. Chairman, I have been inveigled into some of

these places, especially along Yonge St., on my way home at night.

**Mr. Stokes:** Shame.

**Mr. Samis:** They had to twist your arm.

**Mr. Reid:** I must say I have done it only in a completely scientific manner to see exactly what was going on and to perceive the Toronto natives in their indigenous habitat.

**Hon. Mr. Grossman:** That's what most people go for.

**An hon. member:** What about Grossman's?

**Mr. Reid:** I have even been into Grossman's bar on Spadina, as a matter of fact, which will give you an idea of my fantastic research and—

**Hon. Mr. Handleman:** Careful.

**Mr. Samis:** The breadth and scope of your research.

**Mr. Reid:** That's right, the breadth and scope to which I have gone to to look into this matter.

**Hon. Mr. Grossman:** Have you been in Grossman's Tavern?

**Mr. Reid:** That's right.

**Hon. Mr. Grossman:** Great place, eh?

**Mr. Reid:** Great place? The only disappointing thing about being in Grossman's Tavern was I expected the member for St. Andrew-St. Patrick would pop out from behind a door with his white apron on with a tray of draft beer, saying, "What'll you have? Here it is."

**Hon. Mr. Grossman:** You came at the wrong time.

**Mr. Reid:** Maybe you were playing the guitar there the last time. There was somebody I didn't recognize in the band; it may have been you.

**Mr. Haggerty:** He's a good fiddler anyway.

**Mr. Stokes:** Was it you who got the Victory closed?

**Mr. Reid:** If you can't find him in Grossman's, he's just down the street a little south, anyway.

The point I really want to make to the minister is that I very often find his inspectors—I have yet to meet one whom I

didn't like and respect—perhaps more imbued with the legalization and the authority of the Liquor Control Act and the Board than the people who operate in Toronto. I say this most respectfully, Mr. Chairman, to the chairman. I don't mind admitting to you I have seen things in some of these bars, particularly on Yonge St., which really amazed me.

It amazed me that those kinds of things could be going on in the city of Toronto particularly when I know that in my riding, if they find somebody under the definition of drunk, spilling their drinks or knocking them on the floor, the owner, manager or whatever of the hotel or licensed premises is hauled up in front of the chairman. He is required to come down to Toronto, 1,200 miles, at his own expense, to see the chairman or the board who say, "We have had these complaints."

I am not saying that all these people—I know there are a few of them who are real bad actors and maybe they should lose their licenses altogether—it seems to me there are two kinds of liquor morality here. There is Yonge St., and that's the only example, I must admit, that I can fasten on, and there are some of the bars, taverns and hotels in northern Ontario.

**Mr. Stokes:** What is your preoccupation with Yonge St.?

**Mr. Reid:** I don't spend any time there any more. Now that the minister is licensing 8mm movies I guess I won't spend any time on Yonge St.

Really, I don't go into these places. I don't want to mention any names like the Bermuda Tavern and some of these others on Yonge St. I have seen life in the raw. I have been to—

**Mr. Samis:** You had better show—

**Mr. Reid:** —Guelph and I've been to Nipigon and all these places.

**Mr. Chairman:** Order, order.

**Mr. Reid:** Really, I want to make that point because I feel that perhaps the inspectors are a little over-zealous in their requirements not just for offences against the Liquor Act but offences against the Hotel Act or to do with fire escapes and all these things which I understand are necessary. I appreciate them.

When I go into some of these places and I see the kind of exits they have; the kind of

entrances they have; the way the tables and the people are crammed into these places; the kind of service they provide; the dirt and the filth in some of these places; I am really amazed when somebody in my riding phones me and says, "The liquor inspector was here and, by God, if we don't do this we are going to be in trouble with the board."

Which brings me to the next point; and I wrote the minister a letter on this about a year ago. Some of the hotels got orders from the board saying that if they didn't comply by a certain date, that was it, they were going to lose their licences. Most of these were in relation to safety standards, which I really can't quarrel with too much. I don't quarrel with the fact that the board has a duty and a responsibility to say to these people, "Look you provide exits, you provide stairwells, you provide fire doors, and so on." I can't quarrel with that, obviously. But it's the kind of dictatorial tone that the letters are written in that really bothers me—and I have seen the letters. The word fascist comes to mind; but I'm not going to use that word.

**Hon. Mr. Handleman:** Thank you for your restraint.

**Mr. Reid:** I'm not always so restrained, as the minister knows. But they really are couched in terms and attitudes that really bother me, particularly when they come from the civil service of the Province of Ontario.

Again, there is no doubt that some of these people will only respond to that kind of thing; after they've been given three or four letters or four or five warnings. But in some cases this was the first time it had happened.

I want to say to the minister, through the chairman, under the gallery, that really I think the minister should maybe be a little more tolerant, more tolerant. I don't say he should relax the standards or anything. But it really bothers and annoys me as a person coming from the north.

When I'm home to see my constituents, I sit down in those places regularly and have a beer, because I enjoy that. I see what goes on in the main street of Toronto and the environs; and then I get word coming back from the people who run these places in my area saying, "They are really putting the pressure on me for this, that or the other thing." But they allow all kinds of things to go on along Yonge St. This is a personal opinion. I hope we haven't been through this ad nauseam, but perhaps the minister can respond.

**Hon. Mr. Handleman:** Mr. Chairman, we discussed during second reading the new role of the liquor licence inspectors and their capacity as advisers to the establishments, rather than enforcers of regulations. Obviously, they will have to inspect. Again, one of the things that will be written out and very meticulously detailed will be these particular building standards. Probably those will be the last regulations to be written, because they are very complex.

I don't accept that the enforcement in the north is any more stringent than that in the south. I want to introduce the member to some of his colleagues in this House from Metropolitan Toronto—

**Hon. Mr. Grossman:** Yes siree.

**Hon. Mr. Handleman:** —who have complained quite bitterly about the strict enforcement of standards.

**Mr. Reid:** You wouldn't get away with anything with the Provincial Secretary for Resources Development.

**Hon. Mr. Grossman:** They say they are too easy in the north and too tough in Toronto.

**Hon. Mr. Handleman:** I thought you were going to pursue the question of figures. I just happen to have a mass of detailed figures as to the kinds of establishments in various parts of the province. I want you to know that your area per capita is probably better served than Metropolitan Toronto in terms of the number of outlets.

**Mr. Samis:** He is rubbing off on you now. More taps per square mile.

**Mr. Reid:** When the minister says better served, I'm sure that's kind of a play on words—and perhaps he didn't intend it. Perhaps the minister is right and I'm glad to hear what he has to say in this regard. I repeat, Mr. Chairman, that I do feel that maybe we are being unduly restricted. I think we should get the same kind of break. I wonder if I could repeat my question. Does he have the number of outlets, let's say, in Metro Toronto; do you have that figure handy, just as a matter of interest?

**Hon. Mr. Handleman:** It depends on just what kind of outlets, because there is a difference between hotels, restaurants, taverns, public houses.

**Mr. Reid:** Let's say how many licensed establishments—you probably have a gross figure for that.

**Hon. Mr. Handleman:** Yes, the total number of licensed establishments—not including clubs and messes, which are a special kind of thing—but in Toronto it would be 1,100, not including hotels. If you added hotels, you would have 1,916.

**Mr. Reid:** That's in Metro Toronto?

**Hon. Mr. Handleman:** Metro Toronto, yes.

**Mr. Reid:** Can you relate that to the number of people they are serving per capita?

**Hon. Mr. Handleman:** I hope your arithmetic is better than mine. I don't have it on a per capita basis. I could tell you what they are in the district of Kenora, Rainy River and Thunder Bay—about 500.

**Mr. Reid:** One establishment to 500 people?

**Hon. Mr. Handleman:** No, no, I am saying 500 total establishments as compared to 1,900—approximately 25 per cent of the number of establishments that are in Metropolitan Toronto.

**Mr. Reid:** The minister no doubt understands that we have almost two-thirds of the land mass of the Province of Ontario, and when you are campaigning particularly, it's a long drive between one and the other.

**Hon. Mr. Handleman:** Between drinks, I have been in Nipigon.

**Mr. Stokes:** A veritable oasis.

**Mr. Reid:** That's right. You know, it makes the Sahara look like just a very short neighbourhood when one has to get from one place to the other. Let me ask the minister where in the regulations does he have any kind of standard as to the number of establishments per capita?

**Hon. Mr. Handleman:** No, that isn't one of the criteria that's used in issuing licences, although the board has the power to look at the number of licensees in a particular area. Again, we went over this yesterday. The public input in the hearing process will probably revolve around the number of outlets in an area; that is, if a group of people go and oppose the issuing of a licence, one of the grounds on which they might oppose it would be that the area is adequately served with outlets. But there are not specific criteria. The board will have to make some very subjective decisions in that regard.

**Mr. Reid:** Thank you.



**Mr. Chairman:** Section 40. The member for Stormont.

**Mr. Samis:** Could I ask about subsection (o), Mr. Chairman, very briefly, dealing with the minimum alcoholic contents? Have you given any encouragement to the manufacturers in Ontario to offer a variety of beverages of different alcoholic content in terms of beer? For example, in some Latin American countries there is a fairly wide option available. Have you offered any encouragement to them to offer near beer, for example, lighter beer? I know one brewery is already experimenting with it now.

**Hon. Mr. Handleman:** Yes, there was a provision in Bill 44 which permits the Liquor Control Board of Ontario to carry a variety of beverages which are not alcoholic beverages in the true sense of the word. Obviously the board will have the authority to carry them and they will still have to meet all the quality tests, and it will be the board's decision. But with the potential market for them in Ontario, presumably now that there is authority to carry them in the liquor stores, the manufacturers will start manufacturing them. That was provided for in the Liquor Control Act.

**Mr. Samis:** But is there any incentive? I mean they are just experimenting right now.

**Hon. Mr. Handleman:** No, Mr. Chairman, we are not subsidizing—

**Mr. Samis:** No, I don't mean that.

**Hon. Mr. Handleman:** We are not subsidizing the manufacturer of any alcoholic beverage.

**Mr. Samis:** How would you react to the idea of a quota; they must produce X percentage of the market sales in that? You reject that? I see.

**Mr. Chairman:** The member for Welland South.

**Mr. Haggerty:** Mr. Chairman, through you to the minister, in section (o) they are "prescribing the minimum alcoholic content of wine and beer for the purposes of clauses (b) and (p) of section 1." Is there any reason why the Liquor Licence Board cannot put the alcohol content on each bottle of wine, beer or liquor? In some cases imported wine is labelled as having 12 per cent alcohol content. Can you not do the same thing here with the different spirits that are available in Ontario, and the beer too?

**Hon. Mr. Handleman:** I would assume, Mr. Chairman, that any such powers would be given to the Liquor Control Board under the Liquor Control Act. I don't recall whether or not in that Act the board does, in fact, prescribe the alcoholic content. I know that they do have certain regulations to define what a liquor is, what a beer is and what a wine is, and this regulation would be to prescribe the minimum alcoholic content of wine and beer as defined in the clauses mentioned in the subsection. But there is no power given in this regulation for this board to determine what goes on the label of products manufactured in Ontario. That would, if anything, be a power of the Liquor Control Board.

**Mr. Haggerty:** The reason I bring it to the minister's attention is I thought that perhaps it should be indicated here that the label should inform the person who is purchasing the spirits of the content of alcohol in that bottle. If you want to control the use of alcoholic spirits, then I think you should inform the public just what they are drinking and how much strength is in it. I am not that frequent a user of alcoholic beverages but to my knowledge it is not indicated there.

**Hon. Mr. Handleman:** Oh, yes. All distilled beverages would have the proof on them. Most of the wines show the amount of alcohol. The beers are standard except for one low alcohol beer.

**Mr. Haggerty:** Those are imported wines.

**Hon. Mr. Handleman:** No, all the wines.

**Mr. F. Drea (Scarborough Centre):** By volume.

**Hon. Mr. Handleman:** They show it by volume and when you go into the wine store they show you the sugar content, the dryness—and so on.

**Mr. Haggerty:** Is it on the label?

**Mr. Drea:** Yes.

**Hon. Mr. Handleman:** Yes.

Sections 40 to 42, inclusive, agreed to.

On section 43:

**Mr. Reid:** Mr. Chairman, I would like to ask a question in relation to section 43. There again we run into the problem of the regulations. Can the minister give us any indication as to just who might be exempt, shall we say? For instance, my father

used to be in the hotel business and it would happen—

**Mr. Drea:** Shame.

**Mr. Reid:** Shame?

**Mr. Drea:** No kidding.

**Mr. Reid:** If we had the member for Scarborough Centre in my riding, my father would still be in the hotel business. Can you give us any indication who might be exempt from these regulations? For instance, can they give them as goodwill, if, say, the government is putting on a little display or a hotelkeeper or whoever?

I have the feeling, and maybe I am out of sync with everybody on this, that maybe we are getting unduly restrictive with all these things.

**Mr. Drea:** Oh come, come!

**Hon. Mr. Handleman:** Section 43 simply prohibits a manufacturer from making gifts of liquor to anyone except under certain circumstances and except as permitted by the regulations. There are a number of cases where liquor manufacturers are permitted to provide samples of their product under certain circumstances. I think I could say that there would not be a regulation which would permit the government to accept donations. In many cases there are manufacturers who host luncheons and as a result are permitted to provide samples. We have wine-tasting parties. I was at one not too long ago. There are a variety of places where it is appropriate in the marketing process for sampling to be permitted. This would be permitted by regulation.

**Mr. Reid:** For instance, somebody is having a stag. What brings it to mind is that in my riding Fort Frances puts on something called "Fun in the Sun" for a week in July 1 to 6 or 7. Molson's supplies a great deal of advertising. They have their sound truck there and so on. They do a great deal of things for this programme. They also advertise almost Canada-wide on their labels that this is going on in Fort Frances. Would they be prohibited from supplying beer in this particular case? They know very well that hopefully people will buy their product. Do you consider that a legitimate marketing process?

**Hon. Mr. Handleman:** I don't know what the specific regulation would say but I would say that would not be legitimate. The advertising feature of having the truck there

would be. We just had a community picnic in my area. In this case, it was the O'Keefe caravan without Paul Rimstead that came and provided the loudspeaker system for the softball game and the races and the potato sacks and everything else, but there was no liquor and no beer being furnished free of charge. I think that would be inappropriate.

**Mr. Drea:** Mr. Chairman, before we go on, since the member for Rainy River has chosen to bring my name into this I would say to the member for Rainy River if he has any evidence or anything he would like to bring before the appropriate commission or the appropriate body dealing with these matters, since he is a man of many proposals, that he do so. If you feel that somebody is violating this, for heaven's sake, bring it to the attention of the minister or the chairman of the Liquor Licence Board. I think that would cover it at the moment but in the past it might have been the Liquor Licence Board or the LCBO.

**Mr. Reid:** I was trying to get in on the free donations.

**Mr. Drea:** I am sure you were. That's exactly why I rose on it.

Section 43 agreed to.

On section 44:

**Mr. Chairman:** The member for Welland South.

**Mr. Haggerty:** I want to discuss this particular section, "No person shall sell or supply liquor or permit liquor to be sold or supplied to any person apparently (there's the "apparently") in an intoxicated condition." I don't know who will enforce this particular section but I recall the days when I was a member of local council and at one time, I believe, the municipality received from the Liquor Licence Control Board—or one of those bodies—a grant of maybe \$2,500 or \$3,000 to police this particular section. I don't know if it still continues this way or not but the grant was provided to the municipality to enforce this particular section.

This particular section really concerns me to some extent. As I said, I don't frequent these places too often but it really disturbs me to see a police cruiser sitting outside the premises, just waiting for some person, perhaps innocent, to come out. The minute he puts his key in the ignition they are ready to pounce on him. He is charged with impaired ability or being intoxicated.

**Mr. W. Ferrier** (Cochrane South): Then he is not innocent.

**Mr. Haggerty:** The reason I bring this to your attention is that if this section was policed as it should be—

**Mr. Stokes:** They are doing him a favour.

**Mr. Drea:** That's right.

**Mr. Haggerty:** Yes, they are doing him a favour after the damage is done.

**Mr. Ferrier:** But he's not innocent, eh?

**Mr. Haggerty:** If this section was to be policed as is indicated here, the hotelkeeper or the innkeeper would be the one to be charged for having that person intoxicated in the first place. I have often seen the trays loaded up and before the person disposes of that one drink he is loaded up with another drink.

**Mr. Stokes:** You have often seen it?

**Mr. Haggerty:** Yes, I have seen it. It really bothers me. Who is going to enforce this particular section? In the case of a person charged with impaired ability or with being intoxicated, should it not go back to the innkeeper or the hotelkeeper? Is he not the one responsible for getting that person intoxicated in the first place?

**Hon. Mr. Handleman:** Of course he is.

**Mr. Haggerty:** You can watch them; you see them staggering down Yonge St. here. It goes on day after day.

**Mr. Drea:** You had better talk to the member for Sarnia (Mr. Bullbrook). He didn't want that stopped.

**Mr. Haggerty:** All right, Mr. Chairman, but the point is he can still be within his own capabilities.

**Mr. Drea:** The member for Sarnia didn't want that stopped.

**Mr. Haggerty:** That's right but it's not apparently in this particular instance that he is intoxicated. The point I raised with the member for Scarborough Centre is that the person who is guilty of this offence in the first place is the owner of those premises. That's where the charge should be laid.

**Hon. Mr. Handleman:** Mr. Chairman, it is an offence. It says no person shall do it. Obviously we can't have an inspector in every licensed establishment in this province for every minute of their business operations.

The deterrent, of course, is the loss of the licence which is the loss of livelihood and if this should happen in your area I hope you won't come running to me saying, "Please give the man his licence back because he is now out of business." I think the punishment is pretty severe and we expect, as a condition of holding a licence, that the man will obey the law, in particular this section of the Act.

You are quite right, it is his responsibility. I am quite sure there have been cases where people have driven off in an intoxicated condition, been killed in an automobile accident and their heirs and their estate have sued the tavern owner because he has neglected his responsibilities under this Act and under its predecessor. I think that is a pretty strong section, and there is an obligation on the part of the person who holds the licence to police his own establishment; but we will have inspectors, and they do their job and they certainly do lay charges.

**Mr. Haggerty:** Are the grants still available to the municipalities for police in this particular section?

**Hon. Mr. Handleman:** No.

**Mr. Haggerty:** They used to be.

**Hon. Mr. Handleman:** They get police grants for policing, and its their responsibility to police their municipalities.

**Mr. Haggerty:** This was a special grant.

**Hon. Mr. Handleman:** No, not that I know of.

**Mr. Haggerty:** Is there a member of your staff who can answer? Well, is there any possibility that a little advertising could be done under the Liquor Licence Act to advise patrons of beverage rooms of the alcoholic content of drinks and warning them that if they have three drinks, they could be charged with certain offences, such as getting into a car and driving it away? Is there any way you could advertise that a person has had enough to drink at a certain level?

**Hon. Mr. Handleman:** The impaired driving aspect of the hon. members' question, of course, is not our responsibility. It's an offence under the Highway Traffic Act to be in charge of a vehicle while impaired. The question of a person selling or supplying to a person who is in or apparently in an intoxicated condition is a violation or a contravention of this Act, and the sanctions are provided for in the Act. We will be coming



to those sanctions in the later sections. Every licensee knows when he gets his licence that he is not supposed to serve anyone who is in an intoxicated condition. That's all.

**Mr. Haggerty:** Well, again, Mr. Minister, what you have indicated to me is that your business is to sell liquor. You don't care how you can control it to see that offences do not occur.

**Hon. Mr. Handleman:** Oh yes, we do.

**Mr. Haggerty:** All I'm suggesting is that you put up a sign in hotels or beverage rooms, wherever it may be in there, warning a person who is drinking that once he has had three drinks, that is enough.

**Mr. Samis:** Couldn't you modify that and say the proprietor has the right to refuse drinks to a person who is intoxicated?

**Mr. Chairman:** The hon. member for Scarborough Centre.

**Mr. Drea:** Mr. Chairman, all I want to draw to the attention of my friend from Welland South is that I only like to see a conversion once a day on the road to Damascus, so to speak. But you and your party stood up on section 37(2); you took great umbrage with "apparently." Now the question is, "Are we going to go after the hotel waiter? Is the policeman outside being too strict?"

All I'm saying to you—and I'm not casting any stones—is that you can't have a liquor Act in this province two ways. Either you want it enforced for the protection of the public—and you voted against that this afternoon—or you want it wide open.

I am really flabbergasted by all these questions. What about the waiters? Should there be a sign up? Should there be this? Should there be that? It's all covered in here. It seems very odd to me that the people—and I quote the Leader of the Opposition (Mr. R. F. Nixon)—who stand for small-l liberalization are asking those kinds of questions. You can't be both things at the same time. Either you want the liquor code enforced the way it should be or you want it liberalized to the point where there is virtually no enforcement. You voted against it once, and it really flabbergasts me that it would come up again tonight. You said "apparently" is too much of an inducement to the police officer—

**Mr. Haggerty:** You said that.

**Mr. Drea:** No, you voted for it; not me. No, you raised this amendment. Your party raised it last night. You voted for it today. Apparently it was just too stringent an obligation to put on a police constable. Then we hear it tonight. Why don't we put up signs saying, "One drink, two drinks, three drinks, four drinks—you might get picked up for being impaired"? You can't have it both ways. I'm not rubbing it in or anything else, but we've got a long way to go tonight.

**Mr. Haggerty:** Mr. Chairman, perhaps to answer the member for Scarborough Centre, my major complaint is that you are spending around \$565,000 on this alcohol education programmes. You know, you can't have it both ways.

**Mr. Drea:** That has nothing to do with it.

**Mr. Haggerty:** It certainly does have.

**Mr. Drea:** No, it doesn't.

**Mr. Haggerty:** If you want to control drinking, which is quite a problem in the Province of Ontario and perhaps throughout almost every developed nation in the world and which is costing other taxpayers a fortune—

**Mr. Drea:** Were you here this afternoon?

**Mr. Haggerty:** I was here this afternoon. I have been sitting here all day. The whole point I want to say to you is if you are going to have a programme like this you can't have it both ways. You want it wide open and you want to control it. That is what you are telling me.

**Mr. Drea:** Not us.

**Mr. Haggerty:** I just said the word "apparently" comes up again in this one particular paragraph. Whether that is the right word or not, I don't know; I don't think it is. The other point I would raise is that a few years ago, as a member of a municipal council, there were grants provided particularly for the policing of hotels for that particular section there. Can anyone in your branch tell me whether it continues today or not?

**Mr. Drea:** It is under the general policing.

**Mr. Haggerty:** It is shoved in under that. Then you are shirking your responsibility once more. Who is going to police it? You have your own inspector but he can't cover about 125 outlets on the Niagara peninsula or maybe more than that. One man can't do it. Then, as I said, there are infractions under

that section that are not being policed as they should be.

**Hon. Mr. Handleman:** It is under section 44.

**Mr. Haggerty:** If it was policed as it should be, we wouldn't have the persons picked up on the street for impaired ability.

**Hon. Mr. Handleman:** Mr. Chairman, if there were no offences under this bill, there would never be anybody drunk in the province, let's face it. You can't get drunk unless you are supplied with or are sold liquor, and that is all there is to it. Obviously there are offences under this section which are not caught. I suppose what the hon. member is saying is that we should enforce it more stringently and the sanction will be the loss or suspension of licence to anybody that we can prove has contravened this section or any other section of the Act. There are provisions for large fines. Those may be discussed later on. There are provisions for jail terms for contraventions of the Act. I feel the Act is pretty tough, but obviously any time you see anybody drunk there has been a contravention of the Act because it is a contravention to serve that person.

**Mr. Chairman:** Are there any questions on any other section of the bill?

**Mr. Drea:** Mr. Chairman, I just want to add one last thing. If the member for Welland South is really sincere in what he says, and I believe he is, then I can reasonably expect him to support the government on sections 46 and 47.

**Mr. Chairman:** Do you wish to speak on sections 46 and 47?

**Mr. Drea:** No, I am just saying right now that I reasonably expect the member and his party to support the government on sections 46 and 47.

**Mr. Chairman:** Any other questions on any other section?

**Mr. Samis:** On section 45(2) I think I can guess why the minister has worded it that way, especially when he talks about "apparently under the age," and "from the appearance" and so on. I am just wondering if he can give us an explanation of why it has been worded that way.

**Hon. Mr. Handleman:** It is a continuation of the old wording and it has been there for quite some time. We have had a fair amount of debate this afternoon on the word

"apparently." I quoted this section as the reason for using the word "apparently" in a previous section where we did have a vote prior to the dinner break. This is, to permit a person to make a subjective decision without having to be found guilty. If a person is not apparently under the age of 18 then there would have to be a prosecution against that person and he would have to show that he felt this person was not under 18. I think it would be a question in his view, of whether or not this person was apparently 18. He can always demand proof of age to satisfy himself, if he wants to, and he can refuse to serve the person. The word "apparently" has been there for quite some time and has worked quite well.

**Mr. Samis:** Doesn't the minister find that can be used as a loophole by certain unscrupulous proprietors if they want to get around the law?

**Hon. Mr. Handleman:** I don't really think it is a loophole because if the charge is laid, then it would seem to me, while he may say that the person is not apparently under the age of 18 years of age, that would be a question of judgement. If the charge was laid and the person was there in front of the person who was making the decision who said, "No, in my view, this person is quite obviously under the age of 18," the defence simply wouldn't stand up.

**Mr. Chairman:** The member for Thunder Bay.

**Mr. Stokes:** I would like to speak briefly on subsection 6 of section 45. My reason for doing so is that I'm concerned about the suppliers, those who supply alcoholic beverages to minors.

I was discussing with my colleague from Guelph the number of convictions under the Liquor Control Act and there were something like 36,000. I don't know what percentage of those would be attributed to those under the age of 18 who are consuming.

There's a particular court held in my riding once a month and I think the Provincial Secretary for Resources Development might even know the community I'm referring to since he and I have had reason to discuss it from time to time. If you take the time to go to that court, there could be up to 100 cases appearing on the docket and a good 50 per cent of them might be attributed to charges under the Liquor Control Act or even this Act of consuming under the age of 18.

It's a fairly routine thing. The juvenile is paraded before the court, the charge is read and you hear a few giggles in the courtroom. The judge says, "Guilty or not guilty?" A few more snickers and he pleads guilty. The judge will say, "All right, \$10 or five days." Or "Fifteen dollars and 10 days."

Usually they find the money and everything is back to normal except that next month the same kids are before the same judge on the same charge. It's just like a sausage factory—the same violations, the same people, the same result. The officers of the court don't even take the trouble to question the accused, the kids, or to question the arresting officer and say, "Did you hold an inquiry at the time? Did you try to determine who the supplier was?"

Obviously, it's somebody who's under age—if you sit in that courtroom as I have from time to time you see 13-, 14- and 15-year-old kids of both sexes. It's quite obvious to everybody that they are under the age of 18 and yet nobody, including the judge, takes the trouble to find out who the real culprit is in the piece.

I consider section 45, subsection 6, is just a joke really. Not because I'm trying to ridicule you but the arresting officer, sure, will make a real and honest attempt to find out who supplied the juvenile with the liquor. But it's very difficult to get it out of the kids simply because the source will dry up and the ball game is over.

I think it is the responsibility of the courts to back up the law enforcement agencies in this province. I think it's somewhat different when you've got an arresting officer trying to quiz a kid who's in a drunken stupor and trying to get sense out of him. I think it's an entirely different matter when you get a juvenile in a courtroom where there's supposed to be a certain amount of decorum and where it's a little bit more awesome.

I think it is the responsibility of the courts to see how subsection 6 of this section can be enforced. It's just a joke right now. Nobody even takes the trouble to ask. It's just routine in a good many of the courts that are sitting. I don't know what it would be like down here in Metropolitan Toronto, I'm only speaking of the area that I know best.

I would like to impress upon this minister to chat with his colleague, the Provincial Secretary for Justice, who also wears the other two hats of Attorney General and the Solicitor General. I would say it is absolutely

meaningless for your ministry to have this section in the Act if they aren't going to co-operate.

If juveniles of 14, 15 and 16 are getting into the habit of drinking at that very tender age, you know what is going to happen. The problems are just going to continue to escalate. Before they even get into the world of work they have become well established drunks and alcoholics. Until such time as your colleague, the Provincial Secretary for Justice, really takes a look at what's going on in the courts, with regard to the enforcement of this section, everything that you and I and everybody else may want to do will be of no effect at all. We must come to grips with the real offender—the person who is of age and who is supplying juveniles with the liquor that leads up to the kind of offences that we are talking about.

I had occasion to write to your colleague, the Provincial Secretary for Justice, with a copy to the Provincial Secretary for Social Development (Mrs. Birch). I am hoping as a result of that we will at least begin to take the initial steps toward fighting the ravages of alcoholism. In the northern part of the province I think it's a real dilemma—it's a real social and economic problem.

When you allow people to supply juveniles with complete impunity—no questions asked at all—the juvenile goes before the court and it's an automatic, \$5 and 10 days or \$10 and 15 days, or whatever. As I said before, it's just like a sausage factory. Until your colleagues back up your law enforcement officers, and make sure that when they find the violations and bring them to the attention of the court, until the court does a little bit of digging and tries to bring the real culprit—that is the supplier—to heel and make sure that he pays his debt to society for the violation of subsection 6 of clause 46, until you do that all of the legislation in the world isn't going to do any good. Alcoholism starts at 14, 15 and 16 with a good many people in the province, and from what I can observe, you are not doing anything about that.

**Mr. Chairman:** The hon. member for Wel-land.

**Hon. Mr. Handleman:** Mr. Chairman, I wonder if I might just comment very very briefly on this. It has been my experience that just the opposite is true. Our major thrust is against the person who is supplying it and less against the minor. The minor obviously should be punished, otherwise there



is no deterrent to consumption by minors. But it has been my experience that the courts and the police and the board have been very, very strict whenever there is sufficient evidence to convict, or to prove that a person has contravened the Act.

**Mr. Stokes:** Do you have the statistics of the number of convictions for those who supply?

**Hon. Mr. Handleman:** I don't have the statistics but I think we can get statistics on the number of licences which have been suspended or cancelled for violations of supplying minors—that is by licensees. We can certainly obtain those from the board.

**Mr. Stokes:** I just want to react to what you have said now. I am not going to argue with your statistics, but you must appreciate that the number of under-age kids who find their way into a bar in a small community is minimal, because the bartender saw these kids grow up and he knows what age they are. The real problem is they will go into a liquor store and they will bring it out and then take it out behind the barn and get drunk. Then they'll want to take on the whole world and come down the main street and, of course, the OPP arrest them. It isn't a problem of the person in the beer parlour or the liquor lounge who is supplying it; it is somebody else who is going in and buying a bottle or buying 12 beers and then after he gets out he hands it to the kids, for whatever consideration. That's where the problem is.

**Hon. Mr. Grossman:** Mr. Chairman, in my experience with Correctional Services this was a problem we had to deal with constantly. At that time, I spoke to the police and I spoke to judges and so on. One of the problems was precisely what the hon. member for Thunder Bay has finished off his comments with. You get a bunch of youngsters and one of them is just old enough to be able to go in and buy alcohol, beer or whisky legally. He gets enough and he hands it around to his pals, and this is where the problem usually begins.

The police have that problem and the judge has the same problem—the problem of whether you take an 18-year-old and you prosecute him. They're loath to prosecute young people to begin with. Sometimes that will begin them on a career of crime and make criminals of them. Essentially that's where the problem is, and I'm glad the hon. member pointed out that, by and large, they don't get it from licensed premises. The oper-

ators are tough on juveniles, because their licence is at stake. But that's where the problem is and I don't think we should underestimate the difficulties the law enforcement agencies have in dealing with that problem.

**Mr. Stokes:** I have all the respect in the world for the law enforcement agencies, but I think the courts have a responsibility to be much more vigilant and much more concerned about the problem.

**Mr. Chairman:** The hon. member for Wel-land South.

**Mr. Haggerty:** Thank you, Mr. Chairman. I want to raise a matter with the minister dealing with the duty-free shops that are available at any airport in Ontario, and in particular deal with the liquor outlets there. I received a letter from a constituent of mine, Ald. Douglas Young of Fort Erie, Ont., who was a little bit concerned about a trip that his daughter and a number of other school children in the Ridgeway area had taken within the past year. This deals with a flight that originated here, from out of Toronto, to Montreal, Copenhagen, Denmark, and then to Oslo, Norway, and returned within 10 days. He says this tour was arranged by Canadian Student Tours Ltd. His two complaints are:

I have two main complaints:

1. Just before they were to leave Montreal (via SAS) they were presented with a "duty free" bag of one 40-oz. bottle of liquor and two cartons of cigarettes, and were told they had to take this with them to Copenhagen. They were told that if they did not, their prepaid accommodations rate in Copenhagen would be higher.

Now some of these young adults were under 16 and the majority of them were under 18. The forcing of this item upon them, to me, was wrong, and especially in the manner it was done.

2. I believe sincerely that they overbooked the tour, because in Oslo, in the youth hostel they were supposed to stay in, because of insufficient room, some of the male members were taken to a second class hotel and slept on the floor on straw mattresses.

I fully realize that this was a charter flight and different rules apply—but surely there must be some laws prohibiting against two such items as went on, on this flight, particularly in regards to the first item.

There were other inquiries made by my federal MP, Mr. Roger Young, from Niagara Falls, and I had your assistant, Mr. Frank Drea, look into the matter for me. I received

a letter from Mr. D. N. Caven, registrar, Travel Industry Act, on May 16, and he enclosed a letter from the president and managing director, Mr. R. V. Hermansen I guess it is, of Canadian Student Tours. This is what he had to say:

Thank you for your letter of April 10. As you had requested an explanation of the items raised by Mr. Douglas Young, I am pleased to pass on to you my knowledge of these matters.

First, we stepped out of our normal routine because we accepted over 30 adults as part of the normal March break tour. I assure you that this is a policy error that will not be repeated. However, these people had good credentials and were either teachers, relatives of teachers, or in some way connected with the educational scene. Through their contacts in the school, a large quantity of liquor and cigarettes were ordered for the flight to Denmark. I should tell you that a bottle of Canadian Club costs \$24 in Norway, the highest-taxed country in western Europe.

The order was delivered to the Danish flight for pickup by the people involved. Unfortunately, the Niagara Falls Board of Education ruled that no teacher who was not supervising students could leave school premises before closing time (a decision that I endorse). This means that all of those adults had to take the last connecting flight out of Toronto (Air Canada 454) instead of doing the normal shopping at the duty free shop, these people had to actually run to get their flight.

In order to make sure that the packages were not left behind, we asked several of the students to board them and we would redistribute them to their proper owners. It requires a stamped boarding pass to satisfy the legal requirements of the duty-free shop personnel.

All's well that ends well. We did get the packages on the plane and everyone got their original order in Copenhagen. With regard to forcing the packages on everyone, this would not be necessary, as we had plenty of volunteers to help us out. [I don't know who the volunteers were.] With regard to ages, we did not have records to check ages at the airport and no student asked to help was under 16. The Danish customs give adult status to tourists who have reached their 13th birthday.

To travel in Europe during the Easter season is a calculated risk, particularly in

areas where the comparatively wealthy Germans and Swedes congregate, for example, Norway.

However, we did pay in advance (way in advance) for all accommodations and transportations under contract, as an examination of our records would easily prove. The problems caused by the late arrival at Fagernes were solved the next morning, so if Mr. Young's daughter was inconvenienced, we sincerely apologize.

I appreciate your corresponding directly with me, as over the years we have worked very hard to develop the feasibility of European travel for Canadian students. The very high air fares, inflation of prices and the services in western Europe and the continuing weakness of the North American currencies may soon end the possibility of this market. After all, our students can only save a certain amount for this annual adventure and when this amount is passed, "Goodbye Europe."

Yours very truly,

Canadian Student Tours Ltd.

But I would say by reading between the lines on this thing that perhaps this is the practice that is going on here in Ontario. In a sense you might say it's a method of bootlegging booze over to Europe by shoving it off on to the students who are taking these flights or on the tours. Now, I don't know how far you check into this.

**Mr. Drea:** I checked, and it is not happening in this province.

**Mr. Haggerty:** But the flight originated here in the Province of Ontario, and this is where it was put on board.

**Hon. Mr. Handleman:** But in that jurisdiction, that liquor was sold in Montreal by a government which has nothing to do with this government. We do not control the sale of liquor in Montreal. The Travel Industry Act, which will be proclaimed on July 15, will govern the kind of operations of this tour organization with which the board of education was dealing.

The teachers, whose conduct in this particular case I would prefer not to comment on, would be under the jurisdiction of the Travel Industry Act. I presume that they got a consideration for their great activities in being hosts on this tour to Norway, which apparently enabled them to make some money on the side as well as getting a free trip and a few other things. Those are the things that we cover under the Travel Industry Act. But as far as the liquor legislation



is concerned, I am very much afraid we have no jurisdiction in Montreal whatsoever.

**Mr. Haggerty:** Mr. Chairman, perhaps I will read the letter again to you. I presume this letter originated here in Toronto. It goes on to say:

The order was delivered to the Danish flight for pickup by the people involved. Unfortunately, the Niagara Falls Board of Education ruled that no teacher who was not supervising students could leave school premises before closing time (a decision that I endorsed). This meant that all of these adults had to take the last connecting flight out of Toronto, (Air Canada 454). Instead of doing the normal shopping at the duty-free shop, these people had to actually run to get their flight.

**Mr. Chairman:** Order, order. There's a point of order.

**Mr. Drea:** Mr. Chairman, I am very adequately acquainted with the particular complaint that was brought up by the member for Welland South. As a matter of fact, he first directed it to me. I directed it to our registrar under the Travel Services Act, Mr. Douglas Caven.

I would only like to make two observations. Regardless of the fact that teachers were smugglers on the trip, the liquor was purchased in Montreal, which is in the Province of Quebec. They have different rules concerning the operations of duty-free stores. It's a very valid complaint, but the particular circumstances and the valid complaint that occurred in the Province of Quebec could not happen in the Province of Ontario, concerning the sale of liquor to minors and the delivery of liquor to minors on board the airplane. The fact that a school tour was used to smuggle liquor into Scandinavian countries is a very fair commentary upon the Travel Services Act. But, unfortunately, and I would draw this to your attention, that Act went through the estimates last week.

**Mr. Chairman:** Order. I'm going to rule both speakers out of order. It dealt with the Province of Quebec.

**Mr. Haggerty:** Just a minute, Mr. Chairman. You haven't got the message of this letter yet. It doesn't say the Province of Quebec.

**Mr. Drea:** They bought the liquor in Montreal.

**Mr. Haggerty:** No, it doesn't say that in here. Let me read you this paragraph again, then you'll get it. Now listen:

In order to make sure that the packages were not left behind, [that's on Air Canada flight 454 at the Toronto airport here] we asked several of the students to board them and we would redistribute them to the proper owners. It requires a stamped boarding pass to satisfy the legal requirements of the duty free shop personnel.

That's where they got it—here in Toronto and not in Quebec.

**Mr. Drea:** Mr. Chairman, a point of order. The liquor was delivered physically on board the plane that went to Europe in the Province of Quebec, not in the Province of Ontario.

**Mr. Haggerty:** Then the letter in response to your inquiry on May 16 mentioned nothing as to where the liquor was purchased.

Your letter to Mr. Frank Drea attaching a copy of a complaint of Mr. Douglas J. Young of Ridgeway, Ont. has been referred to this office for investigation and reply.

I have contacted the president of Canadian Student Tours Ltd. with respect to the difficulties encountered by Mr. Young's daughter. He was aware of the problem and had already received an inquiry from Mr. Roger Young, MP for Niagara Falls.

Mr. Hermansen has forwarded a copy of this reply to Mr. Young and I attach a photocopy here for your information.

There was no mention whatsoever that that liquor was bought in Montreal.

**Mr. Drea:** You know it was supplied in Montreal.

**Mr. Chairman:** Section 45 carried? Carried. Are there any other inquiries on any other section of the bill?

**Mr. Edighoffer:** Just one brief inquiry.

**Mr. Chairman:** On what section?

**Mr. Edighoffer:** I have one brief inquiry still on section 45. Is that carried?

**Mr. Chairman:** It is carried.

**Mr. Edighoffer:** Oh, I didn't hear that. I must have been asleep.

**Mr. Stokes:** You are cut off. Cut him off.

**Mr. Chairman:** Okay, your section.



**Mr. Edighoffer:** I am just wondering about sub 5 of 45. It says: "This section does not apply to the supplying of liquor to a person under the age of 18 years by the parent or guardian of such person in the residence as defined in section 46 or to the consumption of liquor therein by such person." Section 46 defines a residence, I believe, which also includes a tent. I am just wondering if the term "guardian" should have the word "legal" in front of that that or is "guardian" a legal enough word? I'm thinking of a group of people who might be out tenting some night. There would be one adult in charge who could legally supply alcoholic beverages to young people in the tent.

**Hon. Mr. Handleman:** Mr. Chairman, it is my understanding that the word "guardian" has a meaning in law which the hon. member wants to have clarified by the word "legal". I don't think it is necessary; it would be redundant. A guardian is a guardian. It has a status in law.

Section 45 agreed to.

On section 46:

**Mr. Samis:** Could I just ask the minister for clarification on section 46(2)? What are the legal rights of people who indulge in picnics and want to bring along a bottle of wine or something of this sort? Are they still in contravention of the existing statutes if they bring wine or beer with them?

**Hon. Mr. Handleman:** Yes, they are. This is one of the problems I suggested would be given to the advisory council to see how you can possibly reconcile the quite legitimate interest in my view, of certain peoples who have been accustomed to wine as a beverage with meals in a public place with the problems of over-consumption in a public place by a bunch of students bringing in two or three cases of beer. It is a very difficult problem and it is one I would like to have the advisory council tackle and give me its advice on. So it is still a contravention to have a bottle of wine or beer in a public place such as a farm.

**Mr. Samis:** Could I ask you what you instruct the police to do if they do come across that situation?

**Hon. Mr. Handleman:** No, Mr. Chairman, I can't instruct the police to ignore a contravention of the law. I think we have to leave some things to their common sense and judgement.

**Mr. Samis:** You do admit the law—especially in terms of European people in our province who cause a very special—

**Hon. Mr. Handleman:** I can't tell the police to ignore the law.

**Mr. Samis:** I know that.

**Mr. Stokes:** I would like to pursue this a little bit further with the minister.

Section 46 says that residence means "a place that is actually occupied and used as a dwelling, whether or not in common with other persons, including all premises used in conjunction therewith that is not a public place and, where the place occupied and used as a dwelling is a tent, includes the land immediately adjacent and used in conjunction therewith."

You said that one of the acts, even though they are sitting beside a stream before a fire and they may or may not have a bottle in their hand, and since they are not actually consuming isn't a contravention. Just to carry this to the ridiculous, let's assume that a person is out on Crown land, having a picnic and sticks up a tent. That is his dwelling for that evening, with members of his family or whatever. As long as he has that tent that is considered his dwelling for the purposes of this Act. It is perfectly legal for him to consume, even though some people might consider that to be a public place. Let's assume the chairman here has a 100-acre lot.

**Mr. Drea:** He is a temperance man now.

**Mr. Chairman:** Two hundred.

**Mr. Stokes:** Let's assume he has got a 200-acre lot and he goes out to the back 40 with a bottle and says, "I am going to sit under my favourite apple tree—"

**Mr. Drea:** Not now; he is a temperance man.

**Mr. Samis:** Used to be; use the past tense.

**Mr. Stokes:** Let's say the member for Scarborough East. He can't make that claim. If I can stop him from interrupting and spoiling my trend of thought.

**Mr. Drea:** I am?

**Mr. Stokes:** Let's say the member for Scarborough Centre.

**Mr. Chairman:** No, the chairman enjoys it.

**Mr. E. J. Bounsall (Windsor West):** One of his many 200-acre lots.

**Mr. Stokes:** He goes back on his 200-acre lot.

**Mr. Drea:** One of his many.

**Mr. Stokes:** Let's say he backs over the bluff.

**Mr. Drea:** It is your leader, he has the bluffs.

**Mr. Stokes:** He could be within a quarter or half a mile from his actual home; his abode. But, that is his property. Is he entitled under this Act to sit down and have a bottle of beer or a dry martini or whatever? You say you have to leave this to the discretion of the law enforcement officer who is going to make a—

**Mr. Bounsall:** You don't farm like the old farmers.

**Mr. Stokes:** —subjective decision as to whether or not any particular person may be in contravention of this particular section.

**Mr. Drea:** Your leader has never been arrested.

**Mr. Stokes:** Don't you think it should be defined much more clearly? I am not a lawyer but reading this section of the Act, it could be interpreted any way you want, under any circumstances you want to name. I think all I have to do is carry a tent under one arm and unopened bottle or an unopened case of beer under the other, and I think I am perfectly legal.

**An hon. member:** You'd get tired.

**Mr. E. R. Good (Waterloo North):** Throw you in the jug.

**Mr. Stokes:** I could even put it out on the park here, under the statue with the horse and rider, as long as I have a tent.

**Mr. Bounsall:** There will be a lot of pup tents sold.

**Mr. C. E. McIlveen (Oshawa):** Are you going to try it?

**Mr. Stokes:** No, I am not going to try it but I can think of a lot of people who will. I know some people who have tried it and who have got away with it simply because there didn't happen to be an officer around. I think this is much too loosely worded and I think, for my benefit if for nobody else's, you should shore it up a bit.

**Hon. Mr. Handleman:** Mr. Chairman, I think you have to use some judgement here and there is a qualifying phrase that the tent

must be used as a dwelling. I am sure any reasonable court or judicial body would be able to interpret that. In other words, it is not something you carry on your back and put up in order to have a drink. As far as drinking in a public place is concerned you cannot drink in a public place and it says this. Any premises used in conjunction with—

Interjection by an hon. member.

**Hon. Mr. Handleman:** It is not a public place. If you drink in a public place, you are contravening the Act. Of course, in the case of the chairman's 200 acres, drinking on his own property is not drinking in a public place and he would be perfectly entitled to do so on any part of his property. It is the same as drinking in your own backyard. It is not against the law to do that. It has not been for quite some time.

**Mr. Stokes:** All right, let's assume you and I go out for a long weekend to Rainbow Falls, which is a provincial park. We get a three-night pass and we say, "We are going to do some fishing and we are going to follow the nature trail and everything else." There isn't any place more public than a provincial park and yet that is my dwelling. I have paid for the right to occupy that particular campground for three nights. That is my dwelling; I can prove I have paid for it; I have a tent; what is to prevent you and me from sharing a bottle?

**Hon. Mr. Handleman:** Nothing. Nothing at all. It is perfectly legal.

**Mr. Stokes:** It is perfectly legal?

**Hon. Mr. Handleman:** Under this section.

**Mr. Stokes:** Is this a departure from the way it is at the present time?

**Hon. Mr. Handleman:** Yes, I think so. I would have to check that to see whether or not the current Act permits it.

**Mr. Stokes:** I have heard of convictions under the present Act.

**Hon. Mr. Handleman:** Certainly in the situation you describe, the tent is your temporary dwelling. There is no question about it. The land immediately adjacent to it and used in conjunction with it is perfectly okay.

I am advised it is not a change. Provincial parks give you a permit for the

campsite; they tell you the area you are entitled to occupy and as long as you are using the tent for a dwelling and the land is used in conjunction with the tent, consumption of alcoholic beverages is within the law. It is not a change.

**Mr. Stokes:** But not a boat?

**Hon. Mr. Handleman:** No.

**Mr. Chairman:** The member for Stormont.

**Mr. Samis:** Mr. Chairman, could I go back to 46(2) again? I'd like to ask the minister, in view of the fact we have laws against illegal sale of liquor; laws against drunkenness; laws regarding trespassing on private property; why do you consider that clause necessary in 1975?

**Hon. Mr. Handleman:** You are talking about subsection 2?

**Mr. Samis:** Yes.

**Hon. Mr. Handleman:** As I say, I think one of our problems has been to try to achieve some kind of a balance in the consumption of liquor in a public place. You are talking about a public place.

There are many people who are offended by the consumption of alcohol. Certainly I think they have every right to enjoy a public place without being offended by something which is now against the law and, in our review of the legislation, we did not feel it should be changed at this time. We are quite prepared to have it reviewed by the advisory committee to see if it can suggest a change which might be in line with current society and what society will accept. In our judgement society will not accept this at the present time.

**Mr. Samis:** May I ask you how our regulations in this respect compare with other jurisdictions in Canada, the United States and Europe? Are you aware of the comparisons?

**Hon. Mr. Handleman:** In this regard, Mr. Chairman, no, I can't say. This is one of the items that was discussed at great length in our review of the legislation. It was felt that no change should be made at the present time.

**Mr. Chairman:** The hon. member for Windsor West.

**Mr. Bounsall:** On this section, and I suppose there's another section which covers it, I assume premises can be a houseboat. If you

had a houseboat in which you dwelled and you moved it up and down the river and so on, that would be considered premises?

**Hon. Mr. Handleman:** Yes.

**Mr. Bounsall:** How far down the chain can that boat go before it ceases to be a houseboat? I assume if you have a cabin cruiser that has even limited facilities in which to sleep that would still be premises according to the Act. What's the demarcation point of a houseboat which is clearly premises? How far down the line can you go in order that you could then say about a boat that it is no longer qualifies as premises? If I took a canoe out and laid a mattress on it and put an awning around the top of it, would that be sufficient to qualify as premises, because I could sleep in it and I could cook in it? Just what's the dividing line?

**An hon. member:** A kayak.

**Mr. Bounsall:** I can see problems if you don't somewhere define it, but just what is the dividing line? I want to protect you and Mr. Stokes from possible prosecution when you go on this wild weekend that the two of you are obviously planning.

**Mr. Samis:** Rainbow Falls, look out.

**Mr. Stokes:** You might be able to tip in that, but you can't tipple.

**Hon. Mr. Handleman:** I don't pretend to claim that the Act has achieved perfection. There will be some difficulties in administration, but obviously those things are clarified by the courts. What we have said in the definition is that it must be used as a dwelling. A dwelling usually means sleeping, eating, overnight accommodation, having your meals there and probably some provision for a lavatory or toilet accommodation. There are a variety of things which are usually involved in a dwelling.

A test probably would have to be made in the courts if you were to put your sleeping bag in the bottom of a kayak and have a propane stove at the end of it. I think the Minister of the Environment (Mr. W. Newman) might want to ask you what you've been doing in between drinks.

**Mr. Stokes:** You've got a holding tank.

**Hon. Mr. Handleman:** That's right.

**Mr. Chairman:** Order.

**Mr. Bounsall:** A small holding tank.



**Hon. Mr. Handleman:** The test would be whether or not it was a dwelling. If it came to a situation like that and a charge was laid, eventually the courts would have to determine.

**Mr. Chairman:** The hon. member for Lanark (Mr. Wiseman). No? The member for Ottawa Centre.

**Mr. Cassidy:** I have a couple of questions. The previous Act said that in your residence and the lands and building that pertained to thereto it was okay to be involved with drinking there so long as it wasn't a public place. As a matter of fact, the previous Act was clearer than I had realized. The minister is saying unequivocally that the word "premises" here means lands and not just buildings that pertain to a residence. Is that right?

**Hon. Mr. Handleman:** No, I didn't say that. It has to be a residence, a place that is actually occupied and used as a dwelling. The lands which pertain to that residence are the premises, but not just an open area. I would not consider that to be a residence.

**Mr. Cassidy:** Fair enough. If I had, which I haven't, a two-acre garden, for example, and wished to have an alcoholic garden party for 200 people in that place, as long as it was not open to the public, but was simply for a group of people who were friends or acquaintances, that would be legal. Is that correct?

**Hon. Mr. Handleman:** Mr. Chairman, I might have to get an interpretation of that. It is my understanding that the only place where liquor can be legally consumed is in a dwelling, the land which is used in conjunction with that dwelling, which can be of any size, or a licensed premises. If a piece of land is not licensed and does not contain a dwelling, I would have to get some legal guidance as to whether or not the consumption of alcohol was a violation of the Act.

**Mr. Cassidy:** If my house had a two-acre garden.

**Hon. Mr. Handleman:** Oh, you could use the whole area.

**Mr. Cassidy:** I could use the whole garden. The other question I want to raise with the minister relates to this one and to the penalty section later in this bill.

The penalties for infractions of the Act are doubled, or more than doubled, from \$1,000 in the previous Act to \$2,000 and from three months in the previous Act to a

year. That's the maximum penalty for any infraction of this Act, including section 46(3). Yet in the period since the last set of liquor Acts was passed there has been a change in attitude about public drunkenness which is reflected in the detoxification centres and in the possibility of sending somebody out for a drying-out session and that kind of thing.

We don't say now that to be drunk in public is really a criminal offence. We say it's a nuisance and an injury to the individual, and we try to treat it as such. But in the penalty section of the bill we are increasing the penalty to a level which is quite out of proportion with the actual penalties which are meted out in the drunk tank over here in Toronto or in the other provincial courts around the province that deal with people who are intoxicated. We give them a suspended sentence, maybe a \$10 fine or maybe a couple of days in jail so they can get a bit of food on their bones and that kind of thing.

Would the minister consider having a different maximum penalty for the offence of drunkenness, which is clearly not on the same order as, say, infractions of the Liquor Licence Act, serving booze to minors or doing other nasty things?

**Hon. Mr. Handleman:** Mr. Chairman, the so-called doubling of the penalties is not quite correct. What we have done is we have increased the maximum penalties for individuals and for corporations and these are maximum penalties in accordance with McRuer. The courts may levy any penalties they want, including no penalty at all. In most of the cases, there are very, very few heavy penalties levied against persons who are found drunk. As the member for Thunder Bay mentioned, some of the fines levied are \$10 and \$15; and the courts can continue to do those under this section just as well as they have done under the old section.

**Mr. Cassidy:** Mr. Chairman, in the same way that we managed to indicate to the courts as a principle that we'd like them to send drunks to the detoxification centres and not to jail, would it not also be desirable to indicate to them that we don't think drunkenness is that serious? It's not a one-year offence; under no circumstances is it that, and it is not comparable with other offences under this particular Act. It's mainly an offence against the individual. It's not on offence against society.

**Mr. Drea:** Yes, it is.

**Mr. Cassidy:** Well, I am not so sure about that.

**Hon. Mr. Handleman:** Mr. Chairman, in the judgement of the government, it is felt that the penalties should be increased and that we would leave to the discretion of the courts the seriousness of the offence. It would be up to the courts to levy any fine they wished, up to the maximum, but including no fine at all. I don't think we want to depart from that principle.

**Mr. Chairman:** Any other inquiries on any section of the Act?

Section 46 agreed to.

**Mr. Samis:** Section 48(b), Mr. Chairman.

**Mr. Chairman:** Section 48.

On section 48:

**Mr. Samis:** I would just like the minister to clarify the position of someone who may be in a position of going to a party or visiting a friend, carrying, let's say, a package of beer. Would he be in contravention of that regulation or not? Not a case, but just say half a dozen in a paper bag, or something of that sort—or loosely in the back seat of his car.

**Hon. Mr. Handlemon:** Oh, if it was loose in the back seat, yes, it would be an offence. What we are talking about here is that it must be securely packed away so that neither the driver nor any passenger can have access to it while the vehicle is in motion.

**Mr. Samis:** How about in a brown bag?

**Hon. Mr. Handleman:** No, he should put it away in the trunk, locked away from anybody's access to it while they are in the car.

**Mr. A. J. Roy (Ottawa East):** What about if he had a passenger in the trunk?

**Mr. Bounsall:** What about a station wagon? I have a station wagon? How can I lock it away from myself?

**Hon. Mr. Handleman:** You put it in your personal effects or in some kind of a suitcase so that you can't reach in and grab it while you are driving or while you are riding along in the station wagon.

**Mr. Samis:** And that is the criterion?

Section 48 agreed to.

**Mr. Chairman:** Any other questions on any other section of the bill?

Sections 49 to 60, inclusive, agreed to.

Bill 45, as amended, reported.

**Hon. Mr. Winkler** moves that the committee rise and report.

Motion agreed to.

The House resumed. Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with certain amendments and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 45, the Liquor Licence Act, 1975.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, before I move the adjournment of the House, as previously noted, on Thursday we will proceed with item 17, Bill 106; then proceed to item 21, Bill 111, and then item 8, Bill 77.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to

The House adjourned at 10:30 o'clock, p.m.

## CONTENTS

Tuesday, June 24, 1975

Liquor Licence Act, reported .....	3351
Third reading .....	3380
Motion to adjourn, Mr. Winkler, agreed to .....	3380



# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, June 26, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 26, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mrs. Speaker:** Statements by the ministry.

## SUMMER EVENTS AT QUEEN'S PARK

**Hon. R. Welch** (Minister of Culture and Recreation): Mr. Speaker, I would like to inform the House that my ministry will be sponsoring a summer programme of events on the front lawn at Queen's Park commencing early in July.

The programme will consist of seven concerts on Wednesday evenings, starting July 9; an art show in August, displaying selected works by Ontario art students gathered from around the province; and an art "teach in", featuring several of Ontario's finest artists demonstrating their skills in sculpture, oils, graphic art, ceramics and the like. These artists will also show slides, answer questions and discuss their experiences. Gymnastic exhibitions and similar athletic displays are being planned as well.

**Mr. J. E. Stokes** (Thunder Bay): How many kids from the north will be there?

**Hon. Mr. Welch:** The summer programme has already begun with the current book display in the rotunda, as the member for Thunder Bay knows because he was there for the opening. This display of 757 popular Canadian books is designed to publicize the works of Canadian authors. I hope all members will assist us in drawing it to the attention of visitors to Queen's Park.

As well as the display and concerts, Sunday tours of the legislative buildings will also be available to the public. There will be a special observance of Dominion Day on July 1 at Queen's Park at noon and at Ontario Place in the evening. Throughout the last week of August there will be a continuing celebration of the theme of multiculturalism on the front lawn. This will climax with Ontario Day celebrations at Ontario Place on Sunday, Aug. 31, when representative groups from the Ontario Folk Arts Council will stage three spectacular performances at the Forum. Other events, in-

cluding fireworks displays, will take place throughout the grounds.

The summer programmes at Queen's Park, Mr. Speaker, will be held in the early evening to allow families to gather and picnic on Ontario's front lawn while enjoying what we hope will be pleasant and relaxing entertainment after work. A preliminary programme of events is being provided to all members and details will be publicized throughout Metropolitan Toronto.

## MOPEDS

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Later on this afternoon I'll be introducing a bill to amend the Highway Traffic Act providing additional controls in respect to motor-assisted bicycles. The legislation enacted in February of this year created a new class of vehicle known as a motor-assisted bicycle and permitted the operation of these vehicles by persons 14 years of age and over. The reaction of the public, safety organizations, police forces and municipal councils to this legislation has been unfavourable. In view of this reaction and our opportunity to examine the experience in the sale and operation of these vehicles over the past few months, it has been determined that further control is required.

The definition of a motor-assisted bicycle is being amended to rule out vehicles weighing in excess of 120 pounds and those with hand and foot-operated clutch or gear controls. Dealers will be required to certify upon the sale of one of these vehicles that it is a motor-assisted bicycle within the definition. By this means, those vehicles I have previously described as pedal-assisted motorcycles will be ruled out.

Under the amendment, a motor-assisted bicycle is a motor vehicle requiring registration and the driver is required to hold a licence. The registration fee will be nominal. Any driver's licence or an instruction permit will be acceptable. This will ensure that operators have proven their knowledge of the rules of the road, met vision requirements and are at least 16 years of age. The provisions of the Act regarding the demerit point system and licence suspensions will apply.

## GRANTS TO CHURCH-RELATED UNIVERSITIES

Hon. J. A. C. Auld (Minister of Colleges and Universities): Mr. Speaker, I wish to announce details of a revised operating grants formula for eligible provincially-assisted universities with church-related colleges which teach theology. The new policy could generate an additional \$1.1 million for McMaster University, the University of Ottawa, Queen's, the Universities of Toronto and Western Ontario, and Wilfrid Laurier University.

Hon. members will recall that last year provisions were made to the funding of the arts and science component of church-related colleges. Since 1967 a formula based on enrolment has been used to calculate operating support to provincially-assisted universities.

Starting in 1976-1977, the same formula will be applied to the theological colleges, subject to the following conditions: The students in theology programmes must be registered in the parent university; degrees must be granted by the parent university; standards of admission, curriculum and graduation for all programmes must be established and regulated by the parent university.

Approximately 1,300 students are now enrolled in theology programmes in church-related institutions that could be affected by the change. These students are generating about \$1.1 million in operating grants in the current academic year, and when the new system is introduced in 1976-1977, the parent universities would receive about \$2.2 million on their behalf.

The provincial grants will be paid directly to the parent university and the internal allocation of the funds will be left to the university. The current policy, which does not provide capital funds to church-related institutions, remains unchanged. Any theological college which does not wish to come under the academic aegis of its parent university will continue to receive the existing level of grant.

Theological colleges which are not presently federated or affiliated with a provincial university would become eligible for the increased grants upon successfully negotiating affiliation or federation with one of the 15 provincial universities and upon meeting the conditions outlined in the new policy.

For the information of hon. members, theology is presently offered at 14 institutions, which are: McMaster Divinity College, associated with McMaster University; St.

Augustine Seminary and St. Paul University, associated with the University of Ottawa; Queen's Theological College, associated with Queen's University; Knox College, St. Michael's College, Trinity College, Victoria College and Wycliffe College, associated with the University of Toronto; Huron College and King's College, associated with the University of Western Ontario; Waterloo Lutheran Seminary, associated with Wilfrid Laurier University; and Dominican College and Regis College, which are not affiliated with any provincially-assisted university.

## REFORESTATION PROGRAMME

Hon. L. Bernier (Minister of Natural Resources): Mr. Speaker, earlier this month the hon. members for Rainy River (Mr. Reid) and Thunder Bay asked questions about certain aspects of my ministry's forest regeneration policy which I am pleased to answer in full today. The replies are quite detailed, so I thought I'd give them as a statement rather than replying during the question period.

First, concerning the progress of the 10-year programme for regeneration of Ontario forests: The policy we are following is to increase the overall area regenerated by artificial means from 154,000 acres in 1973-1974 to a total of 296,000 acres in 1982-1983. This programme means that with the addition of other areas which regenerate naturally, plus the available supplies of timber, from the target year 2020 there will be enough timber to sustain an industry which uses 9.1 million cu ft of roundwood per year. At the present time industry uses about 5.1 million cu ft per year.

Mr. Stokes: That's cunits.

Hon. Mr. Bernier: Yes, cunits. I am sorry.

The 10-year programme was initiated in 1973-1974, and the first two years were close to schedule. In the first year, 1973-1974, the goal was to regenerate 153,689 acres. We managed to complete 145,278 acres, meaning that there was a deficit of about 8,500 acres.

Then in the following year, 1974-1975, the goal was 150,408 acres, and the achievement was 150,604 acres, right on target. In addition, about 25,000 more acres were seeded by air to jackpine following the fires last summer in the Dryden area. The overall total for 1974-1975, therefore, was 175,604 acres regenerated, easily making up the small deficit of the previous year.



In the fiscal year 1975-1976, the target is to regenerate 173,000 acres, and I am confident this will be done. There is a gap between the amount of area requiring regeneration and the amount being regenerated. In 1974 this gap was about 120,000 acres. I repeat again, however, that our 10-year programme is designed to eliminate that gap. So, Mr. Speaker, I am happy to be able to allay the fears expressed in the House that the forest regeneration programme is behind schedule.

Another question was asked about the relationship between the Crown dues collected and the amount spent on our regeneration programme. In 1973-1974 the stumpage revenue was \$14.6 million and in 1974-1975 approximately \$26 million. The total amount spent on regeneration and other silvicultural treatments represents about 60 per cent of the division of forests budget which was \$11.9 million in 1973-1974, \$13.6 million in 1974-1975, and, we estimate, \$20.5 million in 1975-1976.

Silviculture is defined as the establishment and tending of forests and is thus comparable to agriculture. Silviculture includes such activities as tree improvement, seed collection, stock production, site preparation, regeneration and tending.

In addition, the forests division spent another \$9,146,000 in 1973-1974 on other activities such as data collection, forest management planning, wood measurement and administration.

I recall that the question from the hon. member for Rainy River was to the effect that we were spending only one-tenth of the revenues from Crown dues on reforestation. Mr. Speaker, the fact is we are spending more than 60 per cent of our revenues on silviculture and almost the same amount on the other aspects of forest management.

The third question had to do with the survival rate of the planting stock. In December, 1974, my ministry published a report entitled, "Survival and Growth of Tree Plantations on Crown Lands in Ontario". It shows the survival and growth, by species and regions, of nursery stock and tubed seedlings five years after planting. This book is readily available.

For the major species used in the boreal forest—black spruce, white spruce and jack-pine—the survival rate is between 61 per cent and 74 per cent. This would provide adequately stocked stands.

For container stock, which represents about 10 per cent of all planted stock, the survival

rate for spruce is about 33 per cent and for jackpine 55 per cent.

Mr. Stokes: That's pretty sad.

Hon. Mr. Bernier: The reasons for the lower survival rate of spruce have been investigated and both growing and planting techniques have been modified. The use of this kind of stock will not be expanded until better survival is obtained.

One of the primary objectives in the 10-year regeneration programme is to expand the use of techniques other than the planting of nursery stock.

Mr. Stokes: What about strip cutting?

Hon. Mr. Bernier: I will get to that.

This is essential because of accelerating costs and the need to regenerate sites where planting is not successful. Major expansions are planned in the seeding and modified cutting techniques to take care of this matter. On certain sites, cutting techniques can be modified to include strip cutting, shelterwood systems and leaving groups of trees.

In the 1960s, strip cutting was done on an experimental basis on 1,000 acres a year in black spruce stands in northern Ontario. This technique is being further developed and expanded as quickly as possible. It requires an accelerated road programme and more careful planning and layout of acres to be logged.

Modified cutting techniques are used more extensively in the white pine and yellow birch stands further south to improve the growth of residual trees and to create better conditions for natural regeneration.

I was also asked if I would table the planning document from which our regeneration programme has emerged. While I am not prepared to do so at this time, I would like to make two brief points that relate to it:

Although the forest regeneration activities are currently aimed at the goals mentioned previously, we are now reviewing the relevance of these goals. Because of a dramatic acceleration of industrial expansion and the resulting increased fibre requirements of the woods industry between now and 1978 we have decided that the forest production policy options planning document needs further revision. The staff of the division of forests are geared to complete this review by the fall of this year. During the debates on my estimates, as I have said previously in this House, I propose to make an expanded statement on our forest management policy and programme so that it can be examined in all of its many

dimensions by those members who are so keenly interested in the subject, which is basic to our economy and the quality of our natural environment.

**Mr. Stokes:** Let the minister look at the volume agreements too, while he is at it.

Interjection by an hon. member.

**Mr. S. Lewis (Scarborough West):** The minister wasn't even listening; he doesn't even know what he said.

**Mr. Speaker:** Order, please. The Minister of Housing has the floor.

### PLANNING REVIEW COMMITTEE

**Hon. D. R. Irvine (Minister of Housing):** I am very pleased to announce today the establishment of a planning review committee to study the Planning Act and related legislation.

The Planning Act is the major tool shaping future development. It has served us well but even the best tool must be sharpened occasionally if it is to remain effective.

This will not, however, simply be a review of the procedure followed in planning in this province. The committee will have full scope to examine why we have planning and what planning is doing.

**Mr. V. M. Singer (Downsview):** Isn't it about time we knew the answer to that one?

**Mr. Speaker:** Order, please.

**Mr. Lewis:** Is this the new speech writer? This is the new one, is it?

**Hon. Mr. Irvine:** We must be sure the municipal and provincial planning systems respond to the changing needs of Ontario residents and supports provincial policies for social, economic, physical and community development.

**Mr. Lewis:** This is really silly.

**Mr. Speaker:** Order, please.

**Hon. Mr. Irvine:** For this reason, Mr. Speaker, the committee's terms of reference will include—

**Mr. Lewis:** Why doesn't the minister act now?

**Hon. Mr. Irvine:** The goals of municipal and provincial planning;—

**Mr. Singer:** Great objectives!

**Hon. Mr. Irvine:**—the role of government in planning and the relationship of planning to provincial and municipal responsibilities; the social, economic and environmental consequences of planning; and, finally, alternative concepts of the nature of planning.

**Mr. Lewis:** Thank God for that.

**Hon. Mr. Irvine:** The committee will, of course, also concern itself with the basis of planning—the legislative framework, regulatory mechanisms, the planning structure and procedures and public involvement in the process.

This is obviously no small task we are giving the three-member committee, Mr. Speaker. I am pleased to report we have acquired the services of one of Ontario's foremost planners to chair the planning review committee. I refer, Mr. Speaker, to Mr. Eli Comay.

**Mr. Singer:** He was the one who gave us the housing report.

**Mr. Speaker:** Order, please.

**Hon. Mr. Irvine:** Mr. Comay, a professor of environmental studies at York University, is a former planning commissioner for Metropolitan Toronto and one of the authors of the Ontario Economic Council report, "Subject to Approval," a study of municipal planning.

**Mr. Singer:** The government paid no attention to his housing report.

**Hon. Mr. Irvine:** However, he is perhaps best known as the chairman of the Ontario advisory task force on housing policy.

**Mr. Singer:** Yes, but the government didn't listen to him then.

**Hon. Mr. Irvine:** Indeed, the report of that committee is most often cited as the Comay report.

**Mr. Lewis:** As the discarded report.

**Hon. Mr. Irvine:** Mr. Speaker, the planning review committee will be seeking a wide range of views. Groups invited to participate will include municipal officials, the development industry, planning professionals, community and public interest groups and those involved with agricultural and rural land-use planning.

The review committee will also be supported by a committee of senior representatives from the ministries concerned with



planning. Staff support will be supplied by my ministry.

Mr. Speaker, I am asking the planning review committee to produce a comprehensive report, including recommendations on proposed legislative changes, by September, 1976. Thank you.

Interjections by hon. members.

Mr. Lewis: That's a pretty earth-shaking announcement. That was fine. A job for Eli.

Mr. Speaker: Order, please. The Minister of Transportation and Communications.

### INQUIRY INTO DUMP TRUCK OPERATIONS

Hon. Mr. Rhodes: Mr. Speaker, on Feb. 7 last, I advised the House that an inquiry would be carried out with respect to dump truck operations in the province. That inquiry has now been completed. I received a copy of the inquiry's report during the last few days and today I am tabling it in the House.

The report makes over 40 recommendations. In my preliminary review, it appears the ministry has anticipated at least two of them—the mandatory covering of loose loads on dump trucks and the report's view that unsafe dump trucks must be removed from the roads. We are at present checking and removing unsafe vehicles and regulations regarding the covering of loose loads are all ready to be brought forward.

I can tell the hon. members there are also other recommendations we can act upon in the very near future, although they will require legislation or regulations to enforce some of them. These include the registration and plating of dump trucks in relation to their gross and axle weights, the necessity of a working trip record or bill of lading for all dump truck operations, and the joint responsibility of both the shipper and carrier for overloading offences.

I am receptive to the recommendation for the re-implementation of control of entry. To do so, I should point out, will necessitate an amendment to existing legislation as well as the conversion of current licences to conform to the new licensing procedures.

I also go along with the point that MTC's minimum rates be applied on contracts subsidized by my ministry but actually carried out for municipalities, as well as those between operators and other ministries. Acceptance for work subsidized by my ministry will

depend on the outcome of future talks with the municipalities, and I shall discuss with my colleagues the recommendation in regard to contracts with other ministries.

Finally, the report makes a number of related recommendations with respect to rates—for example, the filing of rates, minimum rates, the rejection of rates by the Ontario Highway Transport Board and a review of the rates by the OHTB on the application of interested parties. The adoption of recommendations pertaining to rates will obviously demand a very thorough analysis, including their application to the whole of the for-hire trucking industry.

Mr. Speaker: The member for High Park on a matter of privilege.

Mr. M. Shulman (High Park): On a point of privilege, yes. I wonder if I can get a ruling from you, sir. As you know, every member is entitled to two mailings per year to his constituency and, for various reasons, some of us have been redistributed out of our constituencies. Some of us, for other reasons, are running elsewhere or may be running elsewhere. I would like a ruling from you that we are still entitled to two mailings per year, even if not to the same constituency.

Mr. Speaker: There is no change in that ruling.

Mr. Shulman: What is the ruling?

Mr. Speaker: The ruling is two mailings per year.

Mr. A. J. Roy (Ottawa East): He can't have a mailing in Brampton.

Mr. Shulman: Two mailings a year where?

Mr. Speaker: Actually, I may have missed part of the question. If it has to do with whether it is the former riding or the proposed ridings, the new ones are not in existence at the present time.

Hon. T. L. Wells (Minister of Education): Mr. Speaker, I would like to introduce three distinguished guests who are in the House today, in your gallery, sir. Two of them are members of the West German federal parliament, members of the Christian Democratic Party, Dr. Walter Wallman and Mr. Wilfried Boehm; and the third is a member of the provincial House in Hessen, Mr. Wilhelm Runsch. I am sure the House would like to welcome them.



**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

#### PLANNING REVIEW COMMITTEE

**Mr. R. F. Nixon** (Leader of the Opposition): Thank you, Mr. Speaker. I would like to put a question to the Minister of Housing: Does his statement, having to do with the establishment of this committee on planning, mean a repudiation of the commitment made by the former Treasurer (Mr. White) that there would be an overall plan for Ontario, which he expected to bring down in late 1974? Has that concept been abandoned now, and is the minister starting somewhere beyond square one?

**Hon. Mr. Irvine:** Mr. Speaker, it has nothing whatsoever to do with the former Treasurer's statement about the overall planning for Ontario. What we are doing as a government, as usual, is planning ahead. We will be here in 1976 as a government to determine what is the best way to plan for Ontario, and that's the point that the opposition fails to recognize.

**Mr. R. F. Nixon:** Well, we will probably let somebody else settle that; and I don't mean George Gallup, we do mean the people.

**Hon. Mr. Rhodes:** Is the member quitting again?

**Mr. R. F. Nixon:** I would like to ask the minister, what is the status of the so-called White plan, the White plan for overall development of the province? Has that been abandoned? Did it go out with the dismissal of the former Treasurer?

**Hon. Mr. Irvine:** No, Mr. Speaker. The two are not related whatsoever. What we're talking about in this committee is—

**Mrs. M. Campbell** (St. George): We're trying to find out what it looks like.

**Hon. Mr. Irvine:** —investigation and review of the Planning Act itself. It's not related to the overall plan for development for Ontario.

**Mr. R. F. Nixon:** I thought the minister said, "Why is planning necessary?" Wasn't that the thing they were going to start with?

**Mr. Singer:** Yes, that was part of the statement.

**Mr. R. F. Nixon:** Wouldn't the minister call that square one—why is planning necessary?

**Hon. Mr. Irvine:** Mr. Speaker, not at all. All we're saying is we know there's every

justification for planning, which the opposition very seldom does, and we want to establish how we should do it, that's all.

Interjections by hon. members.

**Mr. Speaker:** A supplementary from the member for Scarborough West.

**Mr. Lewis:** Supplementary: I would like the minister to explain something to me. Three years ago the minister announced a procedure to review the Planning Act almost in terms identical to today. Two years ago the minister attempted to find a chairman from outside the government for that planning review, and was unable to do so. So he appointed Keith Bain of the Treasury department to do the review of the Planning Act. That was two years ago. How is it that he is now announcing, yet again, another review of the Planning Act, and what has happened to the last three years of work?

**Hon. Mr. Irvine:** Mr. Speaker, there never was any planning committee set up to establish a review of the Planning Act, as the hon. leader of the NDP well knows. What was suggested was that we would try to establish a chairman of a Planning Act review committee.

**Mr. Lewis:** That's right, that's exactly right.

**Hon. Mr. Irvine:** We were unable, at that time, to obtain one. Mr. Keith Bain and his staff will be transferring to the Ministry of Housing to assist in this committee's work.

**Mr. Lewis:** But they've been working for two years. What has happened to their work? The minister announced Mr. Bain's appointment.

**Mr. Stokes:** They've done nothing but look.

**Hon. Mr. Irvine:** Mr. Speaker, on a point of clarification, Mr. Bain has not been working for the last two years. Mr. Bain was appointed in the first instance, and ill health made it necessary for him to resign from that appointment at that time.

**Mr. Speaker:** Order, please. The member for Downsview, a supplementary?

**Mr. Singer:** Yes. Is there any reason to believe that Mr. Comay's anticipated report on planning is going to be better received than was his report on housing, and that the government has any real intention of implementing either the Comay report on housing or the expected Comay report on planning?

**Hon. Mr. Irvine:** Mr. Speaker, I think the Comay report on housing was a very good, documented one that the government has implemented to every possible degree.

**Mr. Singer:** The minister didn't do anything Comay told him to.

**Mr. R. F. Nixon:** I'm surprised he's prepared to work for the government.

**Hon. Mr. Irvine:** I expect the same thing to come forward from Mr. Comay in regard to the Planning Act review. The member for Downsview knows there have been certain obstacles in regard to housing for Ontario.

**Mr. Singer:** Yes, the minister and the guy sitting next to him are the greatest obstacles.

**Mr. Speaker:** Order, please.

**Hon. Mr. Irvine:** The member's colleagues in Ottawa have not assisted us to any degree whatsoever. As of Monday night we saw very concrete evidence of how much the federal government thought about housing in Ontario, we found that out. We also have to understand, Mr. Speaker, that the member for Downsview recognizes that he can assist in housing in Ontario by making sure the municipalities which he represents and the developers he represents are on the same wavelength in regard to the development of housing enterprises in Ontario.

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Does the member ever talk to them? Let him talk to his municipalities once in a while.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Are we to assume that Mr. Comay will be dealt with the way other chairmen of committee have been dealt with, and that is on a per diem basis? If so, what is Mr. Comay's per diem to be?

As well, if so, has it ever occurred to the government to abandon completely the per diem payment approach to such committee's, and establish instead a contract price for a piece of work done with a termination date to it?

**Hon. Mr. Irvine:** Mr. Speaker, yes, it has occurred many times in the past that we do have a contract price. I don't expect a per diem rate to be established for Mr. Comay. I do expect a per diem rate for the members who will be on the committee.

**Mr. Lewis:** Why?

**Hon. Mr. Irvine:** Because Mr. Comay will be full-time and the other members will not be.

**Mr. Lewis:** Why per diem? Why not money for a job of work done over a given time?

**Hon. Mr. Irvine:** Mr. Speaker, quite frankly, the subject of how much we'll pay the other two has not yet been determined. The amount for Mr. Comay has been determined.

**Mr. R. F. Nixon:** What is it?

**Mr. Lewis:** What is it?

**Hon. Mr. Irvine:** It will be on a contract basis which I will divulge at a later date.

**Mr. Speaker:** Further questions from the Leader of the Opposition?

## ENERGY PRICES

**Mr. R. F. Nixon:** I would like to ask the Minister of Energy if he can indicate the state of government thinking at the present time on the approach to legislation, which could be presented before the Legislation adjourns for the summer, giving powers to the Ontario Energy Board to undertake some of the decisions which may be part of provincial government policy in the next few weeks to control the price of gasoline and oil.

**Hon. D. R. Timbrell** (Minister of Energy): Mr. Speaker, I don't believe we have indicated that we are contemplating amendments to the Ontario Energy Board Act, as it relates to the total question of consumer protection. That question should be referred to my colleague the Minister of Consumer and Commercial Relations.

**Mr. R. F. Nixon:** Which colleague? The Treasurer?

**Hon. Mr. Timbrell:** The Minister of Consumer and Commercial Relations.

**Mr. L. C. Henderson** (Lambton): The good old Nixon two-step; 10 cents a dance.

**Mr. Lewis:** What? Of oil prices?

**Mr. R. F. Nixon:** A supplementary question of the Minister of Energy: Assuming he and the other members of the cabinet are concerned about the application of energy price increases, both now and later in the summer, have they examined the possibility of doing this by order in council; and do

they not feel it would be better if the Legislature were involved in empowering the Energy Board to have these powers before the Legislature rises?

**Hon. Mr. Timbrell:** Mr. Speaker, I think if the hon. member will hark back to Tuesday, as much as he may not want to, and remember the comments of the Premier; and if he will consider the telegram which I sent to the federal Minister of Energy, Mines and Resources, which was made public and which I assume he has seen—

**Mr. Lewis:** Government by Telex is the way these people work.

**Hon. Mr. Timbrell:** —I think in point of fact he will realize we have expressed our concern, our sincere and grave concern. We await—

**Hon. A. Grossman** (Provincial Secretary for Resources Development): How would the Leader of the Opposition do it?

**Mr. Lewis:** I would pick up the phone and tell him.

**Hon. Mr. Timbrell:** I didn't even know he was back from Japan. His application for asylum was obviously turned down.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** We await their response. We are considering every conceivable alternative, and depending on their responses we will then make our decisions.

**Mr. Speaker:** Any further questions?

**Mr. R. F. Nixon:** Supplementary, and I am sorry if the minister feels it should be directed elsewhere, but I would like to pursue with him the fact whether or not these powers are used by the Ontario Energy Board under the statement of policy by the government, as it may change in the next few days, would it not be at least a recognition of the primacy of the democratic process to use this Legislature to confer those powers, rather than to intend to do it by order in council when the Legislature is not in session?

**Hon. Mr. Timbrell:** Mr. Speaker, I never inferred the latter at all.

**Mr. R. F. Nixon:** I inferred it; the minister implied it.

**Hon. Mr. Handleman:** He is not playing politics at all.

**Mr. Lewis:** By way of supplementary, if I may: Did the minister notice that the federal Minister of Energy indicated the excise tax was purely applied by him to the manufacturers, that is the producers, and that it was entirely up to the provinces when the price increase, the excise tax, was passed on and at what time? How did the minister respond to that?

**Hon. Mr. Timbrell:** Mr. Speaker, I had a telephone call this morning at about a quarter past 7 from a reporter who gave me some of the details of what the federal minister had to say. I haven't had the full details.

I would say this though: It is a federal tax; they do set the rules as to how it is to be collected and when.

**Mr. J. A. Renwick** (Riverdale): And who pays it?

**Hon. Mr. Timbrell:** —and if Mr. Macdonald thinks he is going to get out of this trap by passing the dime to Ontario—and if he does it nine more times he will have passed the buck—then he is sadly mistaken. It is a federal responsibility; they made the mess, they have to clean it up.

**Mr. Stokes:** We have to suffer in the process.

**Mr. Lewis:** Who does the minister think pays for the mess they created if not the people of Ontario? How, then, does the minister intend to protect the citizens of this province from the federal government?

**Hon. Mr. Rhodes:** By getting re-elected.

**Mr. O. F. Villeneuve** (Glengarry): Question, question.

**Mr. Speaker:** Order, please.

**Mr. Lewis:** How many days' inventory will the minister permit the oil companies; has he calculated that yet, exactly? Why is the minister not prepared to indicate publicly that Ontario will determine the retail price; however he chooses to do it through the Ontario Energy Board or in some other way?

**Mr. Speaker:** Order, please.

I think that question might better have been left to be raised as a new question when the member has the opportunity. Any further questions from the Leader of the Opposition?

**Hon. J. White** (Minister without Portfolio): The Liberals are quiet aren't they; the Liberals are very quiet this week.



## GUN CONTROL

**Mr. R. F. Nixon:** Mr. Speaker, I would like to ask the Attorney General what his response is to the report of the inquest which recommended, not the licensing of firearms, but a police licence for any individual age 16 and over who might want to purchase a firearm or ammunition. It seems to me that is an alternative which has not been considered in the statements made by the government in the past.

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Speaker, I have read in the press the results of the inquest. I have not read any of the information on the formal finding itself. I intend to look at it. It is something we are exploring right now, on those lines as to age, along with certain other licensing requirements we are presently considering. I must say I am somewhat sympathetic to the recommendation of the jury in that regard.

**Mr. R. F. Nixon:** A supplementary for clarification: The minister indicates he is somewhat sympathetic to the proposal that in fact the individual who might want to buy a firearm would have to have a special police licence for that purpose in advance of the purchase, rather than any thought of licensing the firearms themselves.

**Hon. Mr. Clement:** I am thinking in terms of a licensing type of procedure, be it applicable to the outlets or sales agents who sell firearms; I am thinking of that. I'm thinking of the requirements insofar as an individual going in and buying a firearm is concerned, be he or she 16 years of age or over; what the requirements really are and whether there should be a cooling-off period after the time one makes the application to purchase of maybe 48 hours or 72 hours before the vendor can actually sell or deliver the arms. These are the things I'm considering right now and I want to see the formal recommendation of the jury.

**Mr. Speaker:** The member for Wentworth.

**Mr. I. Deans** (Wentworth): Supplementary: May I ask the minister why he doesn't consider the sale of firearms through government-regulated outlets?

**Hon. Mr. Grossman:** That's more civil servants.

**Hon. Mr. Clement:** Does the member mean like liquor outlets?

**Mr. Deans:** Similar.

**Mr. E. W. Martel** (Sudbury East): The same type of collusion too.

**Hon. Mr. Clement:** I really don't think I could very well justify that type of programme. I don't know what benefit it would provide to the people of Ontario—I notice the member shakes his head—if he thinks that the sale of them should be through government outlets as opposed to through major marketing outlets like Simpsons or Eaton's or hardware dealers that are registered and licensed by this province—if we went that route. I fail to see why I should hire staff and obtain premises to sell firearms.

**Mr. Deans:** Supplementary: Did it ever occur to the minister that perhaps it would be better to have a hold on the sale and distribution of firearms rather than have them sold regardless of the owner's capacity to properly determine the eligibility of the individual purchaser?

**Hon. Mr. Clement:** I just don't subscribe to that, that we could perhaps do it better.

**Mr. Deans:** They just sell them at any old place at all. The minister just carries on as he is doing. The minister says a lot but does nothing.

**Mr. Speaker:** Order, please.

**Mr. Singer:** Supplementary: In view of the minister's reply that he is thinking of five or six different alternatives, could he tell us when he plans to bring a programme into this House and that it will be a government programme, particularly in view of the fact that his leader is so in favour of law and order against permissiveness?

**Hon. Mr. Clement:** Yes, I would be glad to tell the hon. member. The federal government will be implementing a programme dealing with this very matter, hopefully, by the end of August, so I am advised by the federal Solicitor General. We participated through our provincial registrar of firearms in that recent two- or three-day meeting in Ottawa. The views of our people are in the process of being expressed in, we hope, a rather practical way to the federal registrar.

I think one would have to agree that a gun registration programme, regardless of what form it takes, would really have to be national in scope to be of any value. I think that the jurisdiction to do that sort of thing obviously lies with the federal government. I still think that we can be supportive in terms of licensing and regulating the distribution of them within the province, be they

long guns or handguns. I think it's a complementary type of operation if it's going to be effective.

**Mr. Singer:** Would the minister care to answer the question I put to him? When is he going to announce the view of this government on this subject?

**Hon. Mr. Clement:** The member will find it will be announced very shortly.

**Mr. Speaker:** One final supplementary from the member for High Park.

**Mr. Shulman:** If the federal government likes to do so, will the Ontario government ban the sale or possession of semi-automatic weapons?

**Hon. Mr. Clement:** We would consider that as an alternative.

**Mr. Speaker:** Does the Leader of the Opposition have further questions?

**Mr. Roy:** A supplementary, Mr. Speaker, on that.

**Mr. Speaker:** May I just make a comment, please? When there are too many supplementaries—and we don't like to cut off supplementaries provided they have to do with the original question—if there are more than two or three, it becomes a debate, as you know, on the original subject which was brought up. There are many people who want to ask questions. The members may ask further questions later. I'm at the members disposal, of course, but I get complaints if there are too many supplementaries and I get complaints if they are cut off, so it's very difficult to rule. I think we've had two from this side and two from the other side so perhaps we can go on. If there are further questions and if there's time—

**Mrs. Campbell:** There were three from the other side.

**Mr. Speaker:** I thought there were two. If there were three, I'll allow one from the member for Ottawa East.

**Mr. Roy:** Mr. Speaker, in view of the minister's expressed concern about guns and the legislation involving guns, does he find that consistent with the approach of this government in having a commemorative plaque for the inventor of the rifle? Why wouldn't it honour the inventor of the modern athletic support rather than the rifle?

**Hon. Mr. Rhodes:** Oh, the member is brilliant.

**Hon. Mr. Clement:** I don't even understand the question. Would he say it again? I didn't hear it.

**Hon. Mr. Rhodes:** Just marvellous.

**Mr. Speaker:** Further questions.

**Mr. Lewis:** Mr. Speaker, maybe we should have a Solicitor General with the power to appoint a royal commission into gun control. That's a possibility.

**Mr. Singer:** There's a volunteer behind the member for Scarborough West—the member for High Park.

**Hon. Mr. Rhodes:** The member is weakening. Oh, he is weakening.

### ENERGY PRICES

**Mr. Lewis:** May I ask of the Minister of Energy, has he actually calculated, and can he present to the Legislature from his ministry's point of view, the number of days of inventory which are left to the oil companies in Ontario and therefore the basis of the Premier's meetings with the executives of the companies?

**Hon. Mr. Timbrell:** Mr. Speaker, I believe on Tuesday the Premier indicated that certainly the 45 days indicated in the federal budget are, in our view, too short. I believe the Premier referred to a point somewhere after Labour Day.

**Mr. Stokes:** How about 90 days?

**Hon. Mr. Timbrell:** In the telegram which I have sent to Mr. Macdonald I've indicated that our studies, based I must say on figures supplied to us by StatCan and various other federal monitoring services—

**Mr. Stokes:** By the NDP research.

**Hon. Mr. Timbrell:** I am sorry, does the member want to hear the answer? Our figures based on that indicate it should be closer to 90 days and in effect we have asked the federal government to justify to us why they should not be revised upwards.

**Mr. Lewis:** Supplementary: Since we've used exactly the same figures, I suspect, and have come to yet 27 days more than that and since it's \$1 million a day additional profit for the oil companies, could the minister in fact table the actual calculations he has done so the House can see them?

**Hon. Mr. Timbrell:** Mr. Speaker, first of all I don't know where the member gets the \$1-million figure. He drops these figures in and that's his—

**Mr. Lewis:** They were quite right last year.

**Hon. Mr. Timbrell:** I'm not sure, I haven't checked those figures; but it is the member's right to drop them in as he will.

We are trying to update the figures even more from our preliminary calculations. You must understand, Mr. Speaker, that we tried to do this on Tuesday with the latest figures available to us. We are trying to update them and will use them for discussions in the next few days—we hope with the federal government, as well as with the companies.

**Mr. Lewis:** Why won't the minister share them with the Legislature? Why won't he give us the basis of his calculations?

**Hon. Mr. Timbrell:** Mr. Speaker, I think what will be more important once we get a little further down the road will be the actual figures, calculated in the best way possible, as of July 1, the date the federal government intends to impose this increase.

**Mr. Lewis:** The minister hasn't done it.

**Hon. Mr. Timbrell:** I beg the member's pardon but we have.

**Mr. Speaker:** Order, please. Supplementary; the Leader of the Opposition.

**Mr. R. F. Nixon:** Supplementary: Is the basis of the series of meetings to be held between the Premier and the executive of the oil companies tomorrow—

**Mr. Martel:** They're for campaign funds.

**Mr. R. F. Nixon:** —or perhaps they are going on today—going to be an examination of the application of the per-barrel price increase rather than the application of the 10 cents excise? Surely the discussions have to be on whether or not Ontario is going to permit the increases in price at the pumps to be based on the \$1.50 increase that has been announced by the government of Canada. Can he indicate how those meetings are going to proceed and on what basis?

**Hon. Mr. Timbrell:** Mr. Speaker, I would anticipate that the meetings will cover a wide range of issues. But certainly the concern that we have expressed is, and again, in my Telex to Mr. Macdonald—if the member hasn't seen it I'll be glad to send him a copy—I indicated it—

**Mr. R. F. Nixon:** I'd like to see it.

**Hon. Mr. Timbrell:** —we are opposed as the government of Ontario to any increases other than those attributable to the rise in the price of crude oil.

**Mr. Martel:** The government should have done that last year, too.

**Mr. Lewis:** We don't know what that means.

**Mr. Deans:** What does that mean?

**Mr. Speaker:** The member for Scarborough West.

## MEDICAL CARE INSURANCE

**Mr. Lewis:** A question of the Minister of Health, if I may. Has his ministry, or has the Treasury, done for him a comparison of the relative effects of shifting the cost of medical care insurance in Ontario to the income tax as opposed to the premium method? And has he balanced that against the regressivity of OHIP premiums as they are now applied? I'm really asking the minister to respond a little further to what he's been saying publicly for the last day or two.

**Hon. F. S. Miller (Minister of Health):** Mr. Speaker, the question of the shifting of tax—I personally consider OHIP premiums to be a tax—from the one form to the other really isn't the Minister of Health's preserve. I was making comments, and I believe the press who were present would agree that I said that kind of decision would rest with the Treasurer to make.

About the fact that more money had to be raised obviously because of the shift in cost back to the province, I offered the opinion that I believe people in Ontario might find an increase in OHIP premiums more acceptable than some of the other forms of taxation—first, because they could understand it was going toward increased health care costs; second, because a great share of the OHIP premiums in Ontario are not borne by the person receiving the insurance but by his or her employer.

**Mr. Lewis:** By way of supplementary, again as a part of the public debate, would it be possible to ask Treasury or his own ministry to provide the figures of what the increase would be in income tax—I think it would work out to about nine points more—and where the cutoff would be in income where people would actually be paying less



on graduated income tax than they were paying by way of premium?

**Hon. Mr. Miller:** Mr. Speaker, I would think that kind of argument would certainly go on within the Treasury, and I might suggest that the hon. member talk to the Treasurer about it, rather than me. I spend the money. He raises it.

**Mr. Lewis:** Let me ask the Treasurer, if I may, is he doing that kind of comparative work? By way of an addendum, we've done a look at the transfer of the tax and it would appear that everyone earning a gross income of less than \$18,000 a year, based on the tables in the Treasurer's budget, would pay less on income tax than is now paid in premiums, minus the very strong argument the Minister of Health makes about the employer's contribution. Has the Treasurer done these comparisons?

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): I don't know that we've worked it out just exactly that way, Mr. Speaker. Seventy per cent of the premiums are paid by the employers in this province.

**Mr. Lewis:** So the Treasurer hasn't pursued that further than the public observations made by the Minister of Health?

**Hon. Mr. McKeough:** We pursue many things, but I don't know that we are pursuing it just at the moment.

#### PAYMENTS TO RETARDED AND PHYSICALLY HANDICAPPED PERSONS

**Mr. Lewis:** Could I ask the Provincial Secretary for Social Development to have her policy secretariat review the payment of retarded and physically handicapped persons in the various sheltered centres in the province? I have here a pay packet from the Kinsmen's Centre in Kitchener for 24 hours of work at the rate of six cents an hour, for a total of \$1.44, for someone who is severely physically handicapped with moderate retardation, and I wonder what rationale obtains in the ministries generally around payment in these workshops?

**Hon. M. Birch** (Provincial Secretary for Social Development): Mr. Speaker, through you, I say to the leader of the New Democratic Party, I would be very interested in getting those facts and I certainly will see that they are reviewed.

#### CONESTOGA COLLEGE

**Mr. Lewis:** I have one more question, just as a follow-up to yesterday, to the Minister of Colleges and Universities. Can I request the minister to look at the financial arrangements in Conestoga College which are resulting in the apparently imminent lay-off of 58 academic, administrative and support staff; to look into the financial apparatus of the college itself which allows for a surplus last year but an apparent, serious deficit this year; and to look into the question of contracting out janitorial services?

**Hon. Mr. Auld:** Mr. Speaker, I received a report from Conestoga this morning as to where they stand. The hon. member is aware that they had some administrative problems in Conestoga some time ago which they are still in the process of straightening out. The report that I have at the moment indicates that the proposals to restructure have been placed before the board of governors for a decision; some have been decided, and I'll just list them.

Restructuring some of the post secondary programmes, which will reduce the hours of some of the courses and extend the academic year by two weeks, has been agreed to by the board; and that will mean a reduction of the academic staff by five post-secondary teachers.

It is proposed that the Cambridge centre, which only offers retraining programmes, will only offer retraining programmes for which there is a demonstrated need in that local community; and the general programmes will move to the Doon campus, which is about five miles away. That has been accepted by the board and will mean that three retraining faculty will be let go.

At present, the janitorial work is done by contract staff in all but two of the locations. This has been put out to tender, and there will be an estimated saving of perhaps \$122,000 per annum if they get the kind of bids they are expecting, but there has been no final decision on that. They are also proposing to put out to tender the food service in the Doon campus, which is the only one which is not presently done by contractors. I understand this is not primarily because of a saving of money, but because of complaints of the quality of the service and food by the faculty and staff in the past.

If those two things are both done by tender, it will mean a reduction of 32 janitorial and cafeteria staff. They are proposing that all administrative services for the exten-

sion programmes, which were in seven locations, will be done centrally rather than in the seven locations, and if that is done that will mean a reduction of 18 in administrative staff.

**Mr. Lewis:** Can they share the financial data with the staff, rather than behaving so arbitrarily?

**Hon. Mr. Auld:** Mr. Speaker, the information I have is that the president has appointed members of the faculty and administrative staff and janitorial staff to the committees that have been looking at these things.

**Mr. Speaker:** Supplementary from the member for Kitchener.

**Mr. J. R. Breithaupt (Kitchener):** Since there have been certain comments brought to various members of the House with respect to the availability of information to the faculty and to the staff members so that they can have some realistic input into these rather serious decisions for the college, will the minister ensure that the members who have been appointed to this committee are given all the necessary information, so that they can co-operate in the development of programmes of change if they are necessary, and be fully aware of what the ramifications are?

**Hon. Mr. Auld:** Mr. Speaker, as I say, my understanding is that information has been available. I'll just make sure that it is.

**Mr. Speaker:** The member for Waterloo North.

#### OMERS PENSION BENEFIT

**Mr. E. R. Good (Waterloo North):** Mr. Speaker, a question of the provincial Treasurer regarding OMERS benefits, which are of great concern to all municipal employees: Is the ministry planning any change in benefits that would allow retired people to have their pension based on the last or best five years of employment, rather than on the average five years as it is now, to bring them in line with benefits relating to the civil servants' superannuation fund?

**Hon. Mr. McKeough:** I believe that's a matter which is being discussed by the OMERS board, but it has not yet requested legislation.

**Mr. Speaker:** The member for High Park.

#### ASSESSMENT ACT CHANGES

**Mr. Shulman:** I have a question of the Treasurer. Is the government, or the Treasurer's department, going to make any response to numerous petitions it has received from small businessmen who have been badly damaged financially by the changes to the Assessment Act that we brought in here last year, which gave the huge windfall to the large corporations by changing the basis of assessment?

**Hon. Mr. McKeough:** That's the first I've heard about it.

**Mr. Speaker:** The member for Downsview.

#### CONTINGENCY RETAINERS

**Mr. Singer:** Mr. Speaker, I have a question of the Provincial Secretary for Justice or the Attorney General, if I could bring him back.

**Mrs. Campbell:** Or the Solicitor General.

**Mr. Singer:** Could the minister advise if there is, in fact, a basis for the front-page story in the Star today suggesting that the benchers of the Law Society of Upper Canada are viewing with some favour reversing the rule against contingency retainers? If, in fact, that is so, will the Attorney General state in a loud and clear voice that the government of Ontario doesn't like that suggestion, and remove any possibility that the legal profession in this province is going to embark upon negligence actions as partners in the litigation rather than as lawyers?

**Hon. Mr. Clement:** Mr. Speaker, I haven't seen the story in the paper today which the member describes to me. I find it a very interesting piece of news. I've heard no discussions about such a thing. I will undertake to read the article. As a matter of fact, and I will reserve my observations until I've had such an opportunity to see if the contents are, in fact, correct.

**Mr. Singer:** By way of supplementary, if, in fact, there is such a feeling, would the minister not share with me, abhorrence about the introduction of this principle into the rules of discipline or conduct insofar as they affect lawyers in Ontario?

**Hon. Mr. Clement:** I would personally not be supportive of that type of thing.

**Mr. Speaker:** The member for Port Arthur.

### HEALTH HAZARD FOR GRAIN HANDLERS

**Mr. J. F. Foulds** (Port Arthur): Thank you, Mr. Speaker. I have a question of the Minister of Health. Is the Minister of Health aware of a study conducted by Dr. John Rankin, of the department of preventive medicine of the University of Wisconsin, which he believes indicates a growing occupational health hazard among grain handlers? Is anyone in his ministry pursuing this matter and can he tell us what initiatives his ministry will take?

**Hon. Mr. Miller:** Mr. Speaker, I will have to get the information on that. I do not know.

**Mr. Speaker:** The Minister of Natural Resources has the answer to a question asked previously.

### PURCHASE OF RAILWAY LAND IN ERIEAU

**Hon. Mr. Bernier:** Mr. Speaker, in reply to the question raised by the member for Kent (Mr. Spence) pertaining to the property of the Chesapeake and Ohio Railway in the village of Erieau, I received a report from the Ministry of Government Services, which acts as our real estate agent in this transaction. My information is that the company has not sold to any private company but is negotiating with the Ministry of Government Services as well as some outside interest in order to obtain the best offer. As negotiations are still proceeding, expropriation has not been initiated.

### TIMAGAMI MINE EXPANSION

**Hon. Mr. Bernier:** Mr. Speaker, to answer a further question asked by the member for Nipissing (Mr. R. S. Smith); since he is back with us today I'll reply to it, too. The member inquired if it was my intention to allow the Sherman Mine to extend its third pit at Timagami. The lands to which the member refers are old mining locations, ETW339, ETW340, WD341, and WD342 in the township of Strathy, and WD351 which were patented for both surface and mining rights in 1903 and are in good standing at the present time. These rights may not be rescinded and the present owners have every right to carry on mining operations subject, of course, to the municipal bylaws, regulations of the Ministry of the Environment and our own Mines Safety Act.

On Feb. 17, 1975, Cliffs of Canada Ltd., on behalf of Sherman Mine, requested a lease of the surface rights of three adjacent claims, numbers T38358, T38359 and T38370, for the purpose of waste rock disposal from the mining operations on ETW339, et al. This disposal area is located further from the townsite than the anticipated mining operation. The recommendation of our regional office was sought and they requested further data from the applicant as to what efforts it had made to locate alternative sites, what arrangements it had made with the Ministry of the Environment, what rehabilitation plans it had made and what exploratory work had been done on the three claims in the past. On the matter of surface rights, the lease is still under consideration pending clarification of these problems.

**Mr. Speaker:** The member for Carleton East.

**Mr. P. Taylor** (Carleton East): Mr. Speaker, the Minister of Transportation and Communications tabled a report on the dump truck industry and made an accompanying statement and then left the House. I would hope he would return and you might recognize me later for a question on that important matter.

**Mr. Speaker:** The member for Ottawa East.

### SERVICE STATION EMPLOYEE DISMISSALS

**Mr. Roy:** Mr. Speaker, I have a question of the Minister of Labour. I wonder if he might look into the question of a business in Ottawa, at 973 Montreal Rd., a service station, where, following the theft of certain moneys in the service station, all employees of the station were fired without any of them being accused, charged or even considered suspect. Following complaints to his ministry they were just told to wait and see. I wonder if he, as the minister, might look at the situation—it's the service station at 973 Montreal Rd.—and have his ministry look at the rights and interests of these individuals who were fired without even being charged or suspected.

**Hon. J. P. MacBeth** (Minister of Labour): Mr. Speaker, I'll be glad to look into it. As the member knows, we have regulations on the discharge of a person, and if those regulations have been complied with there is nothing to stop an employer from discharging somebody, as long as he has kept within those regulations or the terms of the col-



lective agreement. There may be further implications than the one he is suggesting or referring to and I'll be glad to investigate it further.

**Mr. Roy:** Could I ask one supplementary to this? Would the minister advise whether an employer would be following regulations if the only reason he fired individuals was that there was a theft on his premises and none of the individuals was even suspect or charged?

**Hon. Mr. MacBeth:** Mr. Speaker, I am not sure of the answer on that. I think they would be quite at liberty to do so if at any time they wanted to make a complete staff turnover; I think they would be at liberty to do so. I am suggesting to the member, however, that there may be further implications than the fact it arose out of a theft. I will have to get further information.

#### HOME OWNERSHIP MADE EASY PROGRAMME

**Mr. Deans:** Mr. Speaker, I have a question of the Minister of Housing. Am I correct in assuming in the case of Home Ownership Made Easy purchases that neither the lottery date nor the occupancy date has any bearing on their eligibility for the \$1,500-home owner grant and that the only date that affects their eligibility is the date upon which they obtained the full ownership, in other words, assumed all of the financial liabilities?

**Hon. Mr. Irvine:** Mr. Speaker, it is the date on which the owner takes title to the property.

**Mr. Deans:** One supplementary question: Would the minister then check with the home ownership branch and with his colleague, the Minister of Revenue (Mr. Meen), because it has been brought to my attention that they are considering the date on which they took occupancy whether or not they actually had closed by that date, and he and I both know that that doesn't necessarily mean they own the house?

**Hon. Mr. Irvine:** Yes, I certainly will, Mr. Speaker.

**Mr. Speaker:** The member for Essex-Kent.

#### STRIKE AT TELSO PRODUCTS LTD.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I have a question of the Minister of Labour with regard to the Telso strike in Til-

bury, the longest one in Ontario, I think, for some time. Has the minister got any way of trying to entice the company to come back to the bargaining table when they have opened up their plant and are having people go in? They have offered 40 cents an hour increase in pay to the new employees that they are taking in and yet only offered 30 cents an hour to the employees they had previously. It is a foreign-owned company. Is there any way of making them come back to the bargaining table?

**Mr. R. Haggerty (Welland South):** They sound like strikebreakers.

**Hon. Mr. MacBeth:** Mr. Speaker, as the hon. member says, that strike is one of the longest that we have had. It goes back to Sept. 26. I think it is typical of the problem that we are facing—I shouldn't say across the board—in many industries at the present time where this company can or people in the similar field can import from the United States to meet the demand and there is little incentive on the company at the present time to return to the table.

We have been doing our best to get them back to meaningful bargaining but so far without success. We will continue to work at it. It is a case where they or similar companies can produce in the United States a cheaper product or at less expense. The rates they are asking here—and I am not saying they are unreasonable rates, as they are relatively low rates—are making just the difference and there is not very much demand. It is a household product, as the member knows, that they make. There is not a great demand for that product at the time and they can import evidently all they need to supply the Canadian market.

**Mr. Speaker:** A supplementary.

**Mr. Ruston:** A supplementary, Mr. Speaker: Have the ministry officials ever contacted these people from the United States who own the plant?

**Hon. Mr. MacBeth:** Mr. Speaker, it is my understanding that we have. I can't tell the member just how recently but we have been in touch with them. I know what is happening down there. I received a telegram the other day that somebody was operating the boiler and I am following that up. I don't have the answer to that one at the present time but we are doing our best and have knowledge of it.

**Mr. Speaker:** The member for Thunder Bay.

## FRESH MEAT SHIPMENTS

**Mr. Stokes:** I have a question of the Minister of Health. Is he aware that inspectors from his ministry in Thunder Bay are stopping shipments of fresh meat simply because the carriers can't maintain the temperature of the meat at the 40 deg that is required by the ministry? Is it within the purview of the ministry to demand that the carriers provide refrigerated vans so that the fresh meat that is being shipped from Thunder Bay into out-lying communities will arrive in good shape and of good quality?

**Hon. Mr. Miller:** Mr. Speaker, I don't know whether the hon. member is commending me or criticizing me for stopping those vans and checking the temperatures.

**Mr. Deans:** He is asking a question in the question period.

**Hon. Mr. Miller:** The fact is, yes, I am aware. Secondly, I believe it has been resolved by requiring a certain amount of frozen carbon dioxide to be on board the trucks.

**Mr. Stokes:** Is this within the purview of the ministry to insist that the carriers be equipped so that the meat to be transported will arrive at its destination in fit condition?

**Hon. Mr. Miller:** Mr. Speaker, certainly it is within the purview of my ministry to make sure that meat arrives in a safe condition.

**Mr. Speaker:** The member for Carleton East.

## INQUIRY INTO DUMP TRUCK OPERATIONS

**Mr. P. Taylor:** Mr. Speaker, the Minister of Transport and Communications tabled the report on the dump truck industry this afternoon and made an accompanying statement, which tended to highlight some of the areas of recommendation in the report and what he intends to do about it.

I note that nowhere in his statement is there any mention of the problem of western Quebec and eastern Ontario truckers travelling across the border, an item raised in the report under chapter 6, entitled "Non-residence," which is an extremely important problem in eastern Ontario. I wonder if the minister would be prepared to make a statement of commitment today to the truckers of eastern Ontario that he will apply himself to these recommendations very quickly?

**Hon. Mr. Rhodes:** Well, Mr. Speaker, one of the things we are going to have to do is to work out a reciprocal arrangement with the Province of Quebec. My officials are meeting, and have been for some time, with the officials of the Province of Quebec to work out a reciprocal agreement and understanding.

The hon. member wants to remember that a lot of what is happening in the area he is referring to, particularly Ottawa, is a municipal problem, a municipal problem of enforcement. We are talking about the PCV licence as it applies to the provincial highways, and some of it is a straight cartage problem as it exists between the city of Ottawa and the city of Hull, but we are trying to work out something between the two jurisdictions.

**Mr. Speaker:** The member for Sudbury East.

## MINE WORKER PROTECTION

**Mr. Martel:** A question of the Minister of Natural Resources: In his presentation before the Ham commission, Mr. Jewett of the ministry made the following statement:

Some people speaking before this commission have suggested that miners in Ontario do not have the right to refuse work in unsafe places, but, Mr. Commissioner, under section 117, subsection 15 of the Mining Act, they have for years not only had the right but the clear responsibility to satisfy themselves that their workplace is safe.

When, in fact, has the ministry ever protected, or moved in to protect, men who have left the workplace because they in fact felt it unsafe? When these men have been penalized, when has the minister moved in to protect those men?

**Hon. Mr. Bernier:** Mr. Speaker, I don't have any specifics at my fingertips, but it's common practice among the mining engineers of my ministry to allow the workers, where they have a device that's unsafe or an area that's unsafe for them, to withdraw themselves from that particular area or do not use that piece of equipment. It's common practise.

**Mr. Speaker:** The Minister of Housing has the answer to a question asked previously.

**Mr. Martel:** Supplementary.

**Mr. Speaker:** Supplementary first of all, yes.

**Mr. Martel:** Has the ministry in fact not refused repeatedly to commit itself to protect men if, in fact, they have left the workplace? The company has penalized them; has the minister not categorically refused to say that he would protect those men if they were right?

**Hon. Mr. Bernier:** Well Mr. Speaker, we have not entered into that close a negotiation between the men and the company, but we do allow them to remove themselves. As to the penalization, this is an area in which we are not involved.

**Mr. Speaker:** The Minister of Housing.

**Hon. Mr. Irvine:** Mr. Speaker, the member for Ottawa Centre was unable to ask me a question on Tuesday, and has asked in writing that I answer it on the order paper as question No. 31: "Has Mr. Gerard Ducharme, chairman of the Eastern Ontario Development Corp. had any discussions—

**Mr. Speaker:** Order, please. Could the answer not be tabled in the normal way?

**Hon. Mr. Irvine:** Well, I just wanted to put it on the record if I could. The member has asked me in writing to reply today, and I can't do it otherwise.

**Mr. Lewis:** Well it is on the order paper. Table it in the House, that is all.

**Hon. Mr. Irvine:** I was merely trying to help the member, that was all.

**Mr. Speaker:** I think if the hon. minister were to table it, it would meet the requirements.

The member for Waterloo North.

## PAYMENTS TO DOCTORS

**Mr. Good:** Thank you, Mr. Speaker. A question of the Minister of Health, who is returning to his seat at this time: Would the minister comment on the report by—I think it's associate professor Feldman in pediatrics at McMaster University in Hamilton—who stated that he suspects the method of payment to doctors in Ontario is connected with the fact that twice as many tonsillectomies and removal of adenoids are done in Ontario as in the United States, and three times as many as in England. Does the minister agree with that?

**Hon. Mr. Miller:** Well, first of all, I am not sure that's so. I think if one chose a specific state in the union it may be true, but I don't believe it is true across the United States in general. There are fewer in England, yes. There are also a good number of problems with the English health care system, and I don't think one should jump too quickly to the conclusion—

**Mr. Lewis:** They don't have as many tonsils in England.

**Hon. Mr. Miller:** Well that's right; they grow without them over there.

**Hon. Mr. Grossman:** They only remove one.

**Hon. Mr. Miller:** In any case, I have done an exhaustive study in the last year of the leading surgical procedures in hospital, the leading causes for admission, and whether they in fact are manageable illnesses or not. Some very interesting statistics are coming up. In fact, I think the Advisory Council on the Status of Women came after me on an entirely different one, pointing out how many hysterectomies are being performed on women versus men, for example.

Interjections by hon. members.

**An hon. member:** Now that's worth taking a look at.

**Mr. Singer:** Real thinking.

**Mr. Speaker:** We're a few minutes over our question period. A very short supplementary.

**Mr. Good:** Could the minister contact Prof. Feldman at McMaster and see if in fact he does have statistics to show that our method of payment does promote unnecessary tonsillectomies here in Ontario?

**Hon. Mr. Miller:** I would be glad to look at any source of information on this. I can only tell the member that I am anxious about and am trying to eliminate all unnecessary medical procedures, whether they are surgical or otherwise, that are being done in the Province of Ontario.

**Mr. Speaker:** The time for the oral question period has expired.

Petitions.

Presenting reports.

Mr. D. W. Ewen from the standing private bills committee presented the committee's report which was read as follows and adopted.



Your committee begs to report the following bill with certain amendments:

Bill Pr33, An Act respecting the City of Toronto.

Mr. Wardle from the standing miscellaneous estimates committee reported the following resolution:

RESOLVED: That supply in the following amounts and to defray the expenses of the Management Board of Cabinet be granted to Her Majesty for the fiscal year ending March 31, 1976:

Management Board of Cabinet

Administration programme .....	\$1,857,000
Policy development programme .....	1,742,000
Management Board Analysis programme .....	2,664,000
Management audit programme ..	521,000
Employee relation programme .....	609,000
Personnel services programme .....	1,316,000

Mr. McNeil from the standing resource development committee reported the following resolution:

RESOLVED: That supply in the following amounts and to defray the expenses of the Ministry of the Environment be granted to Her Majesty for the fiscal year ending March 31, 1976:

Ministry of the Environment

Ministry support services programme .....	\$ 11,703,000
Environmental assessment and planning programme .....	13,109,000
Environmental control programme .....	188,108,000
Resource recovery programme .....	18,238,000

Mr. Speaker: Motions.

Hon. Mr. Winkler moves that the estimates of the Ministry of Culture and Recreation be referred to the standing miscellaneous estimates committee instead of the standing social development committee.

Mr. Breithaupt: Mr. Speaker, we are quite content, of course, that this be done so those estimates can be proceeded with this afternoon. Can the minister advise us, since the Culture and Recreation estimates would likely be completed this week, which of the remaining two might go ahead next Wednesday, if possible?

Hon. Mr. Winkler: Mr. Speaker, because of the legislation that will be before the House today involving the Ministry of Labour, it leaves me no alternative other than Ministry of Industry and Tourism. So that will be the next one, to be followed by the Ministry of Labour as soon as the minister is available to us after his legislation.

Mr. Stokes: It's still a three-ring circus, no matter how you look at it.

Motion agreed to.

Hon. Mr. Winkler moves that when the House adjourns on Friday, June 27, that it stands adjourned until Wednesday next, July 2.

Mr. Good: Where are we going to sleep on Wednesday and Thursday nights?

Motion agreed to.

Mr. Lewis: I want to express my personal regret at having suggested to the House leader that we would be able to manage next week, even with the federal NDP convention. It's going to be terribly awkward and I wish the House leader could give us the day that, in retrospect, he has occasionally given to the government party and to other parties at the time of conventions. But on the other hand, if need be, we'll be here.

Hon. Mr. Winkler: I appreciate the view, and I also appreciate the sentiments that are expressed by the leader of the NDP, because I did speak to them; I did discuss the matter with my colleagues. I think had it not been the three-day period certainly we could have given it consideration. On the other hand, I would like to remind members of the House that in our own cases possibly there might have been the odd day or the odd evening when we have taken advantage of a situation. I don't deny that, but not for three days. In the case of a previous convention, we also didn't suspend the sitting of the House.

Hon. Mr. Grosman: The member's convention should only take a couple of hours.

Mr. Lewis: If that long.

Mr. Speaker: Introduction of bills.

# HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Rhodes moves first reading of bill intitled, an Act to amend the Highway Traffic Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Rhodes:** Mr. Speaker, further to the amendments of the Highway Traffic Act in February of this year respecting school buses which come into effect on Sept. 1, this bill contains additional amendments to prevent the continued use of chrome yellow buses which are no longer used as school buses or which have been converted to some other use such as campers or trucks. A further amendment grants authority to municipalities to designate school bus loading zones where the stopping rule will not apply.

#### PUBLIC LANDS AMENDMENT ACT

**Hon. Mr. Bernier** moves first reading of bill intitled, an Act to amend the Public Lands Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Bernier:** Mr. Speaker, the purpose of this bill is to correct a conflict which now exists in the Act between sections 30 and 51 and to bring the language of section 56, subsection 2, of the Act into line with the language used in the Highway Traffic Act. It also deals with letters patent of the Roman Catholic fiscal corporation of the diocese of Sault Ste. Marie.

#### HIGHWAY TRAFFIC AMENDMENT ACT

**Hon. Mr. Rhodes** moves first reading of bill intitled, An Act to amend the Highway Traffic Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Rhodes:** Mr. Speaker, this is the bill which will amend the definition of motor-assisted bicycles along with other proposed amendments to the Act to correct the situation we discussed earlier.

**Mr. Speaker:** Before the orders of the day, on Tuesday the hon. member for York South (Mr. MacDonald) raised with the acting Speaker an alleged point of privilege. The hon. member suggested to the Chair that his privileges as a member of this House had been infringed because he had not been permitted to attend a private meeting in the Ministry of Agriculture and Food. While the hon. member may feel aggrieved that he was not permitted to attend the meeting, I believe his privileges as a member of this House have not in any way been infringed.

Orders of the day.

#### WORKMEN'S COMPENSATION AMENDMENT ACT

**Hon. Mr. MacBeth** moves second reading of Bill 106, An Act to amend the Workmen's Compensation Act.

**Mr. J. R. Breithaupt** (Kitchener): Does the minister have a statement?

**Hon. J. P. MacBeth** (Minister of Labour): I would like to say a few words, if I may, in moving second reading.

It was on June 28 last year, sir, that we dealt with a set of amendments similar to those proposed at the present time—just one year ago—and, mainly because of the matter of inflation, we are presenting another set of amendments. In making these amendments I have tried to keep in mind some of the suggestions that were made from all sides of the House during the debate last year as well as additional recommendations from the board itself.

Just before we proceed into the debate, I would like to read again what I read to the House last year and when we were considering the bill. I think these words, from the report of Mr. Justice Roach in 1950, are relatively important because I think we tend to forget them from time to time. I would ask the members to keep these words in mind as we debate this bill today. I am quoting from Mr. Justice Roach:

This Act should be considered for what it is and was originally intended to be, namely a scheme by which compensation is provided in respect of injuries to workmen in industry. It is not a system for dispensing charity; it is not unemployment insurance; it is not social legislation for the purpose of elevating the standard of one group in society at the expense of another. The payment of additional compensation benefits on the basis of need would cause the system to become a welfare or unemployment programme, which it was never intended to be.

I would remind the members that workmen's compensation is paid to people as a right and regardless of their own monetary or independent means; that is the point I would ask them to keep in mind as they proceed along today.

I would also just like to take a minute to pay tribute to the hon. Michael Starr, who I think has done an excellent job in revamping the board since he assumed its leadership. He has presented, I think, a more humane approach to the problems of the workmen than perhaps existed before, he



has made the board and its staff accessible, and he and the board are responsible, as I say, for many of the suggestions that have come forward today.

As you know, sir, there was considerable reorganization of the board after the task force made its report. The firm of P. S. Ross made a number of suggestions to the board which have now been put into effect and carried out. There were certain difficulties encountered during the carrying out and the changing of their procedures, particularly involved with the removal of the board from Harbour St. to where they are located at Bloor and Yonge. I think those difficulties have now been overcome, sir, as the board seems to be moving along very quickly, and I find that I am not getting the criticism about the speed of its operations that I did a few months ago.

I would ask the House to keep those comments in mind as we proceed. The bill is a good bill. As you know, sir, we hope to put it into effect on July 1, and I would request a relatively speedy handling of it by this Legislature.

**Mr. Speaker:** The member for Welland South.

**Mr. R. Haggerty (Welland South):** Thank you, Mr. Speaker. I want to add a few comments and suggestions that perhaps would improve some of the amendments before the Legislature as they relate to Bill 106, An Act to amend the Workmen's Compensation Act.

We in the official opposition support the bill in principle, in that the suggested increase in benefits is the right of every injured worker in Ontario, but as usual the bill does not go quite so far as to actually provide the injured worker or his family in most instances with sufficient income to maintain a family under the present adverse conditions and the continuing rise in the cost of living.

The increase in benefits too often does not keep abreast of the high inflationary costs, which erode any new benefit that is proposed under the new amendments. Workers who have been injured 10, 15 or 20 years ago and have long-time disabilities will receive less than an employee who is currently disabled as a result of an injury suffered recently or within the last year or two years. Proposed section 41a of this Act proposes a two per cent increase for each initial compensation rate, which falls far short of the goals of equity.

I don't want to belabour the point in the Legislature, but referring back to the discussions that took place a year ago dealing with a bill similar to this one, I said then that it did not go far enough and that these people who had been injured say 15 or 20 years ago were again being short-changed, and quite drastically short-changed.

The Ontario Federation of Labour in its legislative proposals and the Union of Injured Workers both want to see the ceiling on compensable earnings completely eliminated and benefits based on the worker's full normal earnings with upward adjustments to reflect the negotiated wages and increases.

I notice the amendment has increased it from \$12,000 to \$15,000. If one looks at some of the current wage settlements in industry in the Province of Ontario—particularly the construction industry where we are talking about an average of \$25,000 a year—\$15,000 is going to leave that particular person short-changed in case of an accident or an injury. Of course, if we look at the construction trades the risk is perhaps higher than in normal industry in Ontario.

I'm glad to see the first section of the Act includes the section which gives extension to include voluntary ambulance and fire brigade people. When I looked at that particular section I was sure that volunteer firemen were covered under the previous Act to this bill, but I think what it means is in case of a serious fire, perhaps in northern Ontario, if some government official or somebody in official capacity asks a bystander to assist in the case of a fire, he is covered by Workmen's Compensation. I think this is the right amendment to the bill and we accept that.

The other amendments, as we deal with them, include the increase in burial allowance from \$500 to \$600. With the present cost of burials today, this would not provide sufficient funds even to cover a person in dire need of burial expenses. This \$600 is far short of the cost of burials which, I suppose, run about \$1,500, on average, in the Province of Ontario. Of course we can add the \$500 from the Canada Pension Plan to this, but still it would fall far short of the cost of burials. I think again that perhaps this should be increased.

The Workmen's Compensation is well aware of a common occurrence—an injured workman may return to work and, because of disability or other related matters, he may be forced to leave the permanent place of employment. He then loses many social security benefits and he's not eligible to receive



unemployment insurance. He no longer contributes to the scheme. He contributes nothing to the Canada Pension Plan and this will in the long run, I suppose, add to the cost to him when the time comes to collect Canada Pension by his not having made the full amount of contributions; perhaps it may affect even other private pensions too.

It has an effect on persons working in an industry which has other social security benefits, such as sickness benefit plans and other hospitalization plans. Schemes which are paid by the company or paid partially by him will be hampered by a long-term illness or even six months off work.

The reason I mention the unemployment insurance is if a person doesn't get the right time in and the right period within a year and he happens to become injured in a particular time, he is not eligible for unemployment insurance benefits if he returns to work or if he can't return to work. Sometimes this does create undue hardship for that person.

I think in this instance, when these benefits are being paid by the company and by the injured person, the board should pick up a certain percentage of the contributions to these different schemes such as Canada Pension and unemployment insurance. I raise this matter particularly because I have a claim number here and I'll leave this with the minister. The claim number is 7134981 and the person is employed in industry, the International Nickel Co., Port Colborne, Ont. I use this as an example.

He was gassed in 1967 while employed there. Working in No. 5 building, he was overcome by chemical fumes and was admitted to the Port Colborne General Hospital for observation and treatment. He returned to work a few days after that and he had to attend the first aid facilities at the plant. He was given oxygen to help relieve the stress and discomfort of his breathing caused by the gas. Now, since the company is a little bit slack in workload in certain departments in the plant, he has been pulled out of the particular department where he had been employed for the last six or seven years in the shearing department, and was placed back in his old occupation in the No. 5 building, where he has become exposed again to chlorine gas. Since the first encounter, he has developed a chronic bronchitis—and this was one of the reasons why he was transferred to the other jobsite.

I think the company knows perfectly well that this person cannot continue in that type

of employment back in the atmosphere of chlorine gas. The doctor has indicated that this person cannot work there—he has become allergic to that type of gas—but he hasn't been working since February of 1975.

He cannot collect unemployment insurance because the minute he applies for separation papers, then that means he has given up his status of employment with this particular company. He cannot collect plant or unemployment sick benefits, but yet he cannot continue to work in this particular section of the plant.

Now, I've made an appeal to the Workmen's Compensation Board, hopefully, that they will give consideration to his first encounter with chlorine gas and the after-effects from it. And with the chronic condition that exists now, that they will consider paying him for the lost time off work—not through his fault, but perhaps through the neglect of the company to maintain employment in that industry.

This is only one particular case that I bring to the minister's attention. There are perhaps thousands of them throughout the Province of Ontario when we come to the employment classification for light duty work. I can cite a number of cases of men working at General Motors in St. Catharines who have had some degree of injury causing back problems. These person are not working today because there isn't suitable employment in that particular industry—and they are not collecting unemployment insurance.

In many cases, there is a battle or a struggle with the Workmen's Compensation Board in trying to get a claim established or to maintain continued benefits to them. I say in this particular instance, there is a problem in this field.

The Act does not make any improvements in this particular field. I suppose when you look at section 5, and subsection 41a and section 6, there is very little improvement in both of these clauses that will give that person some type of protection when it comes to light duty work. Too often these people have to give up a good paying job, a good place of employment, good fringe benefits, and good pension plans—for example, Inco has a good pension plan.

A main shortcoming in the bill is the fact that the pensions are not indexed to the cost of living. This should be a principle that the government should adopt, because these people are on a fixed income. When we look at people on a fixed income from

old age pensions, there is a cost of living factor there—it is indexed.

We have government employees who have a cost of living index. We have other industries which have a cost of living index, but for some unknown reason we don't apply it to workmen's compensation. In some cases, where that person is injured and has not worked for four or five months, when there is an increase in wages, he again loses. I suggest that consideration should be given to this, and perhaps even an amendment by the minister should be brought in or put forth to the Legislature for approval.

I see other clauses here that compensation benefits should be paid on the basis of capability for full employment and not based upon clinical assessment of the injury only. And these two sections, 41a and subsection 1 of section 6 don't go quite far enough. The wording in section 5, subsection 41a(1) says:

Where the board considers it more equitable, it may adjust the rate of compensation.

It doesn't say it "shall" but it "may". That leaves the door open. There is going to be much work involving members of the Ontario Legislature and appeals to the Workmen's Compensation Board, not only by members here but by union representatives and by the injured workman himself. The "may" there should be "shall." Section b(1)(1) reads:

Where permanent disability results from the injury, the impairment of earning capacity of the employee shall be estimated from the nature and degree of injury.

Again, we have the word "estimated." As I can recall from some of my dealings with appeals, "estimated" is what it has been for a number of years, and it doesn't go quite far enough. I don't think a person should have to come forward with an appeal to the Workmen's Compensation Board because he has been injured. Where it has been suggested through the rehabilitation centre that he is suitable for light or modified work and he has to go back, in some cases he loses the job and there is certainly a loss there. I suggest where it has the word "estimated" in there, it should be "shall." I don't think we should have to go through the business of haggling over what the person is entitled to.

I have some other comments, Mr. Speaker. Perhaps the most important thing missing in the bill itself is that there is nothing here

that refers to the regulations of the Workmen's Compensation Act. I think this is rather a broad view. We can come in with amendments to the bill but as members of the Legislature we have very little say in matters of regulations. I see nothing here to improve the matter of concern about the regulations.

I want to bring to the attention of the House an important matter that has not been touched upon that relates to the Workmen's Compensation Act and in particular to the regulations, schedule 3, about description of disease and the process as it relates to the person's occupation. As members of the official opposition, we are of the opinion that major improvements are required to satisfy those persons who are employed in an occupational environment that can be injurious to their health. We in the Liberal Party have on a number of occasions stressed the need for a new occupational health and safety Act, one that is funded by all levels of government—and when I say this I am talking about the federal level of government and the provincial level of government—to provide research in matters of great concern in to new occupational diseases that are facing almost all industrial employees in Ontario.

When I say it's a matter of federal government, there was a question asked of the minister this afternoon about the working conditions or environment in the elevator industry in Ontario, particularly in the Fort William area, which is a federal matter. We know that there is a certain cause of discomfort to the workers there. I can't think of the disease but it is one that they can pick up from that dust which is rather serious for them and could lead to emphysema and fibrosis of the lungs.

The Minister of Labour has the responsibility for the establishment of standards in Ontario. Particularly when I look at the exemptions in the mining industry. I hope that the government will move in some direction and that the Minister of Labour will be responsible not only for all labour but the mining industry and the smelting industry too in the Province of Ontario. Too often we have seen in the House the Minister of Labour involved in questions, the Minister of Health (Mr. Miller) involved in the questions and the Minister of Natural Resources (Mr. Bernier) involved in questions. What a chaotic situation it is trying to find out who is actually responsible for the different categories of occupational diseases in the province. It is rather alarming that we have this today.



Ralph Nader's study group report on disease and inquiry into jobs entitled, "Bitter Wages", which was received in the library here on Sept. 11, 1974, says:

The silent violence of occupational diseases expanded rapidly while the thrust of the law was mostly limited to the traumatic injury on the job. Massive continuing destruction of workers' bodies a form of violence. Job casualties more serious than street crimes.

One could apply that thinking to the Ontario labour force, where we see the continuing increases in compensation cases at the rate of six per cent in 1974.

I suppose those comments could follow that thinking there, that as much as we do have programmes to try to reduce the number of accidents in the Province of Ontario, we find that year after year we have an increase in accidents. As I look at the report, it doesn't say "accidents." It says "the number of incidents reported to the board" and this includes "fatal incidents."

I have never heard of fatal incidents but I have heard of fatal accidents, but I suppose this means minor, or not too serious. Perhaps when that report uses the word "incidents" it means they are really not serious.

The Minister of Labour is not really serious enough in reducing the number of accidents in the Province of Ontario. When I look at that further, the burden of prevention should fall on industry. We have seen two accidents recently, and finally the government of the day has taken measures to control the negligence of industry to respond to far better in-plant hygienic working conditions, and I make those comments, Mr. Speaker, through you to the minister, concerning the Ham commission inquiry.

All of a sudden we have another study going on concerning the working conditions of the mining industry and smelters in the Province of Ontario. When I say negligence on the part of industry, I sincerely believe that this is what took place there and perhaps in other industries throughout the Province of Ontario.

The government has allowed the continued negligence of the neglected workers' plea for better occupational health standards and safety. It has allowed workers to be exposed to gases, chemicals, particulate radiation, silicosis, asbestos and other environmental hazards. [I suppose we could get into noise and we could get into the plastics industry, where there are some problems too. All of a sudden

we see governments moving in that direction.] Many workers are affected by the type of environment. Employees in such industries and mines and smelting process are continually breathing in contaminated air. It settles in their lungs and bloodstream and they are not aware of the consequences.

I was interested when the member for Etobicoke (Mr. Braithwaite) mentioned the other day, when dealing with the Safety Committees Act that I moved in the House here, the Globe and Mail headline: "Workmen's Compensation Board is an information receiver," Starr says, "not early alert system for industrial disease." It's rather alarming to have a statement like that. I don't think the intent of it was to be capitalized by that heading there. I don't think it was the chairman's wording exactly, but it does bring to my attention that we are just an information receiver.

I am alarmed at the number of "incidents" or accidents in the Province of Ontario, particularly as they relate to industrial disease. If records are not kept up to date, then one does not know just how serious the problem is. I suppose when I make that comment, I would suggest perhaps that many of the reports that have come forward here within the last year in the Ontario Legislature, particularly as they relate to the mining industry, have been kept hidden from the members of the Legislature, and perhaps kept hidden from the responsible minister himself, because perhaps we don't want to be alarmed about the conditions that confront some of the labourers in Ontario, particularly as they relate to occupational health diseases. There is a vast area of improvement that can be achieved in that field. What I would suggest to the minister is that I think it's time that we had a new occupational health bill in the Province of Ontario to cover all phases of diseases in the Province of Ontario.

Perhaps he will come back and tell me that it is well covered under the section of the Workmen's Compensation Act as it relates to schedule 3 and the description of different diseases. We can go on to benzol, arsenic, brass, nickel or zinc, cadmium, carbon dioxide and carbon monoxide.

That rings a bell with me—carbon monoxide—because I have made numerous attempts to get the Workmen's Compensation Board to give consideration to a particular claim. I know last year I tried to discuss it in committee—which I did so—but it was never put on the record.



This refers to claim C7448707; a worker had been employed at the Algoma Steel operation in the city of Port Colborne for a number of years and had come in contact with carbon monoxide. It is pretty hard to get away from it as it is there every day. If one is familiar with blast furnace operations, unused gas from a blast furnace is brought back through a system of what they call stoves, which are tanks to hold it. It is put under pressure and pushed back into the furnace again by blowers for re-burning purposes. It generates quite a bit of heat but the gas itself is rather a deadly poison, very toxic poison.

In this particular case he went to three levels of appeal. On the second appeal it was allowed because the board members definitely stated at that time that it was the sequela of occupational disease, such as carbon monoxide, and they allowed it. On the third appeal it went to the full board—Mr. Legge was chairman at that time—and there were representatives from the company, doctors and lawyers and so forth. I would just like to read their decision into the record.

The board notes that in the considered opinion of the special consultants the diagnosis of Mr. Ray's present condition as pre-senile dementia of unknown cause, which was also diagnosed by Dr. Thomas Barrie, MD, Dr. R. W. Einhorn, FRCP, and Dr. W. J. McIlroy, FRCP, is not a disease listed under the first column of schedule 3 of the Workmen's Compensation Act, and the board therefore concludes that the provisions of subsection 8 of section 118 are not applicable.

I suppose if I go into more detail dealing with the studies of carbon monoxide poisoning which have been carried out in the United States, Great Britain and Europe, they would tell you definitely that this can be the sequela of carbon monoxide poisoning.

For some unknown reason the board has refused to accept it as that and in fact one medical report from the Workmen's Compensation doctor consultant—who is a university professor in Toronto; his name is Dr. W. H. Francombe, MD, indicated that in his opinion the person wasn't unconscious. That is about three years after the accident; in his opinion. I don't know how he can assess, in his opinion, that the person wasn't unconscious. I think it is a hard thing for a layman or a first aid man to define when a person is unconscious and the discrepancy in the testimony given by the persons present at the accident is questionable.

I think the board took the word of the superintendent of the plant itself who, perhaps, was three or four minutes away from the accident. His co-worker and other persons around the furnace floor who administered first aid, picked him up from the furnace floor and moved him into the foreman's office and applied oxygen through some form of resuscitation machine.

In that period of time the first aid men thought the person was unconscious; they had removed his false teeth and applied oxygen. From there they picked him up and moved him outside the furnace room on a platform waiting for the ambulance to remove him to the hospital. The diagnosis at the hospital was that it was carbon monoxide poisoning but the board, for some unknown reason says, "This isn't the cause of it." The point is, long-term exposure in this particular type of industry, particularly where there is carbon monoxide poisoning, has been proved, by laboratory reports done on animals, to cause brain damage.

I don't know what the board is thinking about when it won't allow this particular claim. I look at the record of this particular industry—of course, they can't be responsible for all the accidents—here is one here from the city of Port Colborne fire department, addressed to me:

As requested by your letter of May 17, I am enclosing the following dates:

On Oct. 3, 1950, at 03:48 hours, Edwin Fretz, aged 40, buried under bin, flue dust, dead.

On Jan. 9, 1956, at 09:13 hours, Boyd McClellan, overcome by gas, pronounced okay.

On Jan. 2, 1964, at 19:32 hours, Reagan Bisson, aged 27, overcome by gas, dead.

On Jan. 4, 1965, at 22:07 hours, William Holliday, heart attack, okay.

I suppose if one had the proper research done on carbon monoxide one of the results of carbon monoxide poisoning is vascular disease and heart problems. "On Oct. 5, 1965, at 06:17 hours, William Holliday, heart attack."

It's quite a coincidence that when this fellow collapsed, he was almost in the same area as all the other accidents, right around the stoves. That's where the gas accumulates and it hangs there; one can't smell it but it's there. I know of a number of cases where the persons employed in the machine shop used to have a number of headaches. Mr. Rae was working at his machine shop. He was maintenance personnel working for

Algoma Steel and worked out of that shop. The men always complained of headaches from that particular machine shop because the gas was leaking in that building.

I had forgotten two things dealing with this type of occupational health problems, diseases or accidents, one may call it. I believe it was in 1940; I was working at the time for the firm of Port Colborne Ironworks and two of the workers employed in that particular industry left that shop in the morning to go out to do some maintenance work at what they used to call the Steel Co. plant in Port Colborne. It is now Algoma Steel. They went to work and within half an hour there was a call back that the two men had lost their lives. They were gassed. It happened that quickly. That's how quickly carbon monoxide poisoning can strike.

I regret that in this particular instance, with this person now with his present illness, perhaps this is the way he is living today. All reports indicate he would have been better off if he had gone; that way he would have got compensation for it but under the present rules and how they are interpreted—I suppose arguments can be put forth by both sides—this person walks the streets in Port Colborne. He has to have somebody to pick him up wherever he goes because he doesn't know where he is going. He is only a young man in his early 50s.

In all the laboratory tests performed in hospitals, there have been no indications of any other source of disease within that person's body to indicate his present senile condition. Dr. Einhorn of Hamilton, one of the specialists there, said we can't exclude carbon monoxide poisoning.

That is the point I want to bring to the minister. As much as he has in this bill—we accept it in principle—he is giving them something but every worker deserves that right, of fair compensation for his injured body. I have asked for a new occupational health and safety Bill that would provide compensation, regardless of the kind of accident or the disease that person comes down with, if it can be related to that type of industry. We should not use the words "may" or "estimated" in the bill. I think those two words should be removed. It's bad enough and hard enough for a person who is struck down by an industrial disease as a result of his occupation that he has to go through hell and misery—and there are many of them—and I think that when the Ham commission report comes out, no doubt it will indicate that vast improvements will have to be made

in occupational health in the Province of Ontario, not only in the mining industry but throughout all industry in the Province of Ontario, because we are dealing with chemicals today we know nothing about.

Perhaps there is another thing I can talk about, Mr. Speaker. Where there are hazardous conditions, I think it is the responsibility of the Minister of Labour to inform those persons employed in that particular industry of those hazards; and if those hazards cause bodily harm to those persons, then they should be compensated fully—rather than tell them them, as some of the miners from the Elliot Lake area are being told, that they can find suitable employment. I would like to know who will hire them. One of the problems when a person is injured in the Province of Ontario is that he is being blacklisted in many instances from full employment in the Province of Ontario. That is one of the things that has been brought to my attention. The minute you walk into a plant, looking for employment, they'll ask, "Have you ever had any problems with the Workmen's Compensation Board?" If there is a record there, they say, "Well, you are a risk. We don't want to assume that risk." I know many industries perhaps would take persons who are not totally disabled, but there is always the possibility that they may be subject to some of the cost.

I think the general public in a sense has to say that when a worker is injured, then perhaps they should be totally responsible for him. Sure, we can say that it's going to cost industry some money; and rightly so. They are making the profits, and surely some of those profits can be put aside, which are perhaps put aside now, to maintain a Compensation Act in the Province of Ontario. But I think in many instances that they can contribute more and pay more.

When I look at some of the suggestions in the bill here, it's a piecemeal thing and I think we have to accept it on that basis. I would like to see it go further, but apparently it will not. I don't know if the minister has any amendments or not.

There is one other point that perhaps I should also mention. The second shortcoming of the bill is in regard to the widows' pension; with an increase of 10 per cent to dependent widows, the maximum pension would now be raised to \$286 a month or \$3,432 a year, which is well under the poverty level. In many cases I think, if a young person is fatally injured in industry, \$286 might not even carry the payments on the house alone. I think there should be



some consideration given on the basis that all matters of remaining debt that that person has accumulated should be looked after by the Workmen's Compensation Board.

I bring these points to the attention of the minister in the hope that of the two bills he has before this House, the Labour Relations Amendment Act and this bill, that this bill will go to the standing committee to let the workers themselves have some input on legislation.

There is another thing that is perhaps missing in the bill itself when we talk about occupational safety. If we want to reduce the number of accidents in the Province of Ontario, we are going to have to have the involvement of those persons working in that environment. Too often we leave it to the experts; and there's no doubt about it that they are doing a job, but they are not reaching everybody. If the minister wants to make improvements in it, if he is going to have any suggestions from this Ham commission report dealing with occupational health and safety, then for Pete's sake, let those persons scrutinize that legislation and the regulations that he is going to bring in. Let them have some input into it, because above all those are the persons who know where the problem is and what should be done to correct it.

With those thoughts I will leave it with the minister. Hopefully, he will have some amendments to increase some of the benefits and perhaps give some consideration to what I have mentioned to him this afternoon.

**Mr. Speaker:** The hon. member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** Thank you, Mr. Speaker. We in the NDP confront this bill again with strongly felt, mixed and opposed motions. On the one hand we are very tempted to say that any increase in pension benefits to injured workmen in this province is welcome and should be supported in a bill of this nature, no matter how small or how mixed up the rationale is in arriving at that increase, or what the compensation might be or that increase in pension might be. This bill certainly has provided some increases; it is getting to be a regular routine. Every June we come in with yet another bill that makes some small changes to the workmen's compensation pensions and their compensation levels.

I might say that in total effect of moneys to be paid out, the amount of moneys involved in this bill is greater than those moneys involved in the bill of June 28, 1974, and, I believe, on June 7, 1973.

In this bill, the government has improved the Act in some instances. Definitions of employees have been expanded to include those who assist in search and rescue operations at the request of and under the direction of members of the Ontario Provincial Police. That is, when they have been pressed into service in a matter of emergency and are injured, then they will be paid compensation equivalent to wages at their own place of work, or at least based on the wages they made at their own place of work.

The ministry has included members of municipal volunteer ambulance brigades and auxiliary members of police forces. So, in terms of coverage and in terms of how it has been improved, and in terms of application for personal coverage, independent operator coverage, the minister has made it administratively a little bit better. He has increased the burial allowances slightly from \$500 to \$600 in a given year, and a lump sum payment to a widow or widower or the person acting in loco parentis has been increased by the same amount—from \$500 to \$600.

Perhaps the biggest increase in the bill was the increase in the minimums of the temporarily totally disabled and the permanently totally disabled. Those minimums have been increased significantly. I think, in some respects, they are probably getting close to the amount where we, in this party, would say they are now almost adequate in both of those respects.

We will be putting forward a proposal later on as to exactly what we, in this party, at this particular stage of our existence in Ontario, June, 1975, would prefer and like to see those pensions raised to. So, for that we could applaud the minister.

He has already continued the steps which he started last year. It was the first that he realized, after virtually years of urging in this House from opposition members, that you cannot simply leave pensions set at the rate at which they were granted back in the years 1964, 1962, and 1953. The minister finally recognized in principle last year that those pensions should be increased, and dating from the year 1946 onward he did apply a revaluation factor. He has continued that practice this year by adding another 10 per cent to those pensions—an amount equal to the increase in the cost of living from June of last year to June of this year.

There are some parts of the bill which we in this party would say and would recognize as being steps forward. On the other hand, however, the paucity of some of those percentage increases themselves and the rationale



that the minister's thinking must have taken to arrive at those particular increases escape us completely. We are utterly opposed to the paucity of them.

The government has added a 10 per cent increase to all pensions this year, based on the per cent increase in the cost of living, but they are still added to a pitifully low and completely inadequate base. We have a bill that in many respects is reaching the levels of pensions in some areas that it should. Certainly in the areas of minimums, as I've said, it seems to be getting there. Some of the rationale we've talked about in other years seems to have got through. But in other parts of the bill and in other areas of pensions to be paid the bill seems to have abandoned rationality completely.

The minister had opportunity in this bill to have adjusted it once and for all and laid out his rationale and what his objectives are going to be for the future, if he can meet them, in terms of pensions to be paid as the years go on. But he has missed that opportunity again. In some respects, because it doesn't raise some pensions or because it only adjusts some pensions in a minor way, this bill is a step backwards.

This bill does not adequately adjust at all the pensions paid to widows and widowers, where the spouse has been killed in the workplace; nor does it adequately compensate on a regular basis the children of a worker who has been killed in the workplace. The bill has added to an improper base that 10 per cent cost of living figure for 1974. The base has not been adjusted properly over the years. To say now that the government has adjusted pensions by the full amount of the cost of living that has occurred for this past year is not nearly good enough, when it has taken it on a base which is still completely and woefully and inadequately adjusted. That is the part of the bill, as well as the widows' and widowers' pensions part of this bill, which I find the most hard to swallow.

The minister had an opportunity—and he seemed to be taking a step in principle—of adjusting the pensions by the amount of the full percentage increase in the cost of living that has occurred. He had an opportunity in this bill to build that in as an escalator clause, and he refused to take that particular step. He continues to use, in addition, the 75 per cent only of the worker's average earnings as the base upon which first to give compensation, and as the maximum upon which to calculate the permanent partial disability pension, should that be the particular injury case for that worker. We have always argued

long and loud that 75 per cent of the worker's average earnings over the past year, or whatever shorter period the minister might choose to take because of the particular employment record of the worker, is pitifully low and that there is no excuse for it.

It's for these four major factors, Mr. Speaker, that we in this party find, as we found last year, that we cannot vote in favour of this bill.

There is another matter in this bill as well which, if it hadn't been included this time, the minister would have left us to talk about for every successive June from now on—that of not completely eliminating the ceilings. I think if these other four points had been taken care of and ceilings not eliminated this year—after all, we have to have something to talk about on this bill, and something to expect a year from now—we wouldn't have voted against it. If the minister still had refused to take our suggestion of last year that any percentage increases to pensions and compensations should not be applied to the commutation amounts of 10 per cent or less, which he forced the worker to take, if that was the only other point he hadn't done, I think again we could have voted for the bill, using that as a talking point and expecting it to come next year. Those two points still should be done. They should have been done at this time but those other four points are major.

I want to expand on those other four points in particular, Mr. Speaker, as to what the government's record is over the years in these areas and what should be done. Because the minister hasn't done them these are the reasons we are going to have to vote against this particular amending bill—as we did last year. Basically it is a bill to provide increases in benefits to workers receiving Workmen's Compensation Board compensation or pensions.

The first of these which we object to, of course, is the pitifully inadequate increase given to widows' and widowers' pensions. Let's look at the history of this. In 1973 in the month of June, we debated the Workmen's Compensation Board bill and the increases granted then. At that time it was only widows' pensions; the government added widowers in 1974. I think there was a sum total of six of them in existence at that time so there are not a great many people involved in payments of this sort, where the wife has been killed in the workplace or the common law wife has been killed in the workplace. Back then, in 1973, the minister increased widows' pensions from \$175 or \$250

a month, a rather uncharacteristically large jump in pensions at that time.

When I laid forth the principle on which he must have based that increase, there was a rather surprised reaction from the Minister of Labour but he did not deny it. When I followed the same argument through on the increases which occurred in the temporary total disability pensions in 1973, which went from \$40 to \$55, he seemed to know what I was talking about. It seemed clear to me, and it was not denied then, that a formula was used to arrive at what those widows' pensions and the temporary total disability pension should be.

In 1973, if one took a 40-hour week, multiplied it by the minimum wage which prevailed then, \$1.80 an hour, took 75 per cent of it, it came out exactly to \$250 a month. If we did this with the temporary total disability category it came out to \$54 a week, and the minister had given them \$55 a week. I accused the minister of taking what we thought to be an inadequate minimum wage—but nonetheless a minimum wage—multiplying it by 40 and basing it on a monthly or a weekly basis to arrive at a minimum weekly for a temporary total disability and for the widows' pensions.

We placed amendments based on what we felt should be the proper minimum wage, giving a rationale for it at the time, again based on a formula. Again, we placed our idea that it should be a 100 per cent pension and we produced an amended figure with which we attempted to amend the Act that year.

Interestingly enough—that's history—in that very same year again, one can assume, using the same rationale the minimum for permanent total disability was increased from \$175 to \$250 and that's significant. The government has decided over the years, by the way it has been written over the years, that the widows' and now the widowers' pensions per month should be equal to the permanent total disability pensions. That's how the minister arrived at those totals in 1973; they were both \$250.

In 1974 one of the disgraces of that bill—and we talked about it at length in 1974—was that neither of these figures, the widows' and the widowers' pensions, and the minimum for permanent total disability—no; I was going to say they weren't increased. They were increased only minimally by \$10 a month to \$260 a month. We were critical at that time over the paucity of that increase. But note, they were increased by the same amount, \$10 in each case. The

minister again last year equated the pensions to be paid to widows or widowers when their spouse was killed in the workplace with the minimum pension which should be paid for a total permanent disability. Again we went through some of the arguments last year upon what that should rest.

This year the minister comes along and says, "We recognize that in essence that was far too low, that increase last year from \$250 to \$260." He says, "For permanent total disability we'll increase that figure to \$400." In all of my years of knowledge—they don't go back that far; only almost four years in terms of dealing with the board—the identical figure has been used for widows' and widowers' pensions.

But what does he do with widows' and widowers' pensions? Do we see those going from \$260 to \$400? No. They go simply from \$260 to \$286. Mr. Speaker, there need not be and should not be one iota of difference. Someone in the Workmen's Compensation Board or the ministry or both has decided that for the first time there should be a difference in the pension paid to a widower or widow whose spouse has been killed in the workplace and the minimum pension for a person who is totally disabled.

The amount of \$286 a month to be paid to a widow or a widower is not nearly good enough. If there was no other reason than that, we would be voting against this bill, Mr. Speaker. What should that increase be? Let's go through it.

If we take the 1973 reasoning and how the minister arrived at both of those figures, we would find that multiplying our current minimum wage of \$2.40 an hour by the 40-hour week and, using the minister's formula, taking 75 per cent of it and multiplying it by 4.3 weeks to the month to get the monthly figure, the widow's pension should be \$130 a month. That's using the same way by which it was calculated back in 1973; \$310 a month rather than \$286.

In using our calculations an interesting figure emerges. We have argued in these Workmen's Compensation bills that if the rationale the minister is going to use to arrive at the widow's pension or the minimums for total temporary or total permanent, it should be based on the realistic minimum wage—a wage which the Minister of Labour also sets.

We've argued it should be 60 per cent of the minimum wage. It should be 60 per cent of the average of salaries and wages in Ontario, including those persons who are on the minimum wage. Mr. Speaker, in the



Province of Ontario at this very moment, with some slight extrapolations, that turns out to be \$200 a week. I have taken an extrapolation from the month of March. In the month of January, in the Province of Ontario, the average salary and wage was \$193.57 and in March it was \$196.98.

There is roughly a \$3 difference between January and March of this year; between March and June 1 it is reasonable to add another \$3 over the two months from January to March. From March to the end of May or June 1, another \$3 would bring it exactly to \$200 a week, the average of salaries and wages, including all those on the minimum wage in the Province of Ontario.

If we take that average salary, that average minimum wage and apply the 60 per cent factor to it—which is the factor used in Manitoba—it comes out that the minimum wage would be exactly \$3 an hour. If we then take what should be the proper adjusted minimum wage, multiply that by 40 hours a week and take three-quarters of it—the minister is still using this three-quarter philosophy—it works out that a monthly pension would be \$388. Isn't that interesting? It is rather close to what he proposes in the bill for those on permanent total disability—\$400 a month.

If we do it that way a proper minimum wage of \$3 an hour, times the 40-hour week and using his three-quarters factor, we get very close to the \$400 a month he has in the bill for the minimum for those on total permanent disability.

If we take it on a weekly basis, it works out to be the exact figure—\$90 a week—which is in the bill for those on temporary total disability.

What this means to me is—I might say first that we don't feel there should be a 75 per cent factor involved in it. It should be paid 100 per cent full. The amount, therefore, for the minimum for total temporary disabilities should be \$120 a week and for permanent disability, which should be the same amount as the widows' and widowers' pensions, \$515 a month. This is what we would put in this bill this year as the proper amount which should be paid.

What is very clear is that using the factor or approach of taking only three-quarters but with our rationale as to what the minimum wage should be, it would come out very close to what is in the bill—\$90 for the temporary total and an amount of \$388, very close to the \$400 figure the minister has, for total permanent disability. That last

figure has been identical with the widows' pensions over the years and that is the figure which we should have in this bill for widows' pensions. We will accept no less.

The minister, in his opening remarks—and I have heard him in the estimates of the Ministry of Labour and I have heard him when the Workmen's Compensation Board comes before us in committee—has quoted Mr. Justice Roach again on what the Workmen's Compensation should be. That quote is one which the minister is fond of quoting. He just doesn't understand it.

I haven't got the quote in front of me but, paraphrasing, the Workmen's Compensation function is to compensate for loss of earnings and is not to be a welfare scheme. When the minister does not compensate for loss of earnings in some really rational way which doesn't penalize the worker to a great extent, it is he who is making a welfare scheme out of it. It's got to compensate for loss of earnings and anything less means the minister and the board are making a welfare scheme out of it. Roach is talking to him and is telling him that he shouldn't be doing this. That's exactly what he is doing and it is no more easily visible than in what he has not done to widows' pensions in this bill.

He has chosen to make a welfare scheme out of it by not making it an adequate recompense for the loss of the earnings in the workplace of the spouse who has been killed. If we get into any sort of an argument about the widow going out to work if it is a man who's been killed, that is no argument at all. That is taking the welfare approach to it rather than the approach of compensating that family in an adequate way as the government has done in the past for the loss of the earnings the worker who was killed was receiving in the workplace. The minister is making a welfare scheme out of it by doing anything less than he should be doing.

The second major point to cause us to vote against this bill is the revalorization scheme. This year, the minister could pat himself on the back and make a point in public terms that he has added to the pensions and the compensation amounts the full amount of the cost of living increase which occurred this year. In the year from June to June, it was 10.1 per cent, I gather, and he has made it 10 per cent. We won't quibble about the 0.1 per cent. We would say he has adjusted fully with the percentage increase in the cost of living which has occurred. Except, and I remind the minister, last year when he announced it was a principle change—that he



was going to adjust pensions by an amount, going back over the years, totalling 60 per cent—we applauded in this House. When we actually looked at those figures and saw what a small change there was relative to the cost of living that had occurred over those years, we did not applaud when we got back to debate on the bill. We opposed the bill last year primarily on that basis.

Last year, the government had increased it by a total of 60 per cent, starting from the year 1946 up to the end of 1973. It was two per cent each year until the years 1971 and 1972, in which case it gave four per cent. The percentage increase in the cost of living—the consumer price index—over those years amounted to 180 per cent, triple the amount that the government gave last year—60 per cent.

I would have confidently expected this year—in fact I was sort of looking forward to the debate that I could centre around it and predict what would happen in future years—that this year the government had recognized the fact that it had only increased it back over those years by one-third the amount that it should have and that this year it would make up half of that difference, increase it so that over those years it would have increased by 120 per cent—plus, again, whatever the full cost of living was this year, making the argument that the government can't take all that big a bite in one particular year. I would have expected that next June the government would make it fully what the workers should have gotten in terms of the cost of living by adding on yet another 60 per cent—again, on top of which would have come an exact adjustment for the consumer price index.

I was shocked to find that the government's attitude now is to say that that increase in pensions that occurred from 1946 on to 1973—which was one-third of what it should have been—it now finds completely adequate and is going to add what is implied to be a CPI increase on that completely and utterly inadequate base. By not doing anything more about that base, that is precisely what it has decided. The government has decided somehow that the base is okay and it is now going to make itself look good by adding full CPI indexes on to what is a totally inadequate base. We cannot accept that base in this party as being at all adequate, and we won't until it is fully adjusted.

The pity is it doesn't cost very much. To make that 60 per cent increase of last year running back to 1946 would cost the employers 0.1 per cent of their payroll. So, to have adjusted it fully to the full 180 per cent

CPI change that occurred would have cost the employers an additional 0.2 per cent of their payroll—20 cents out of every \$100 of payroll.

It would cost the board nothing—and it would have cost the employers collectively across this province virtually nothing to have done it.

We pointed this out to the government last year. We pointed this out to the minister when the Workmen's Compensation Board estimates were before us in committee. And the chairman of the Workmen's Compensation Board, when questioned as to whether or not he personally would like to see a change in this occur, said—and I wish we had a tape of the meeting; I can't be sure I am quoting him exactly, but he said, "We would certainly have a lot of the pressure and the heat taken off us if that is what could occur and was occurring in the Province of Ontario regarding pension adjustments."

And not to have made that change, which would be so meaningful to the lives of so many injured workmen, when the cost to the employers in this province is so minuscule, is completely abhorrent to me. Then to bring in a bill which adds on the correct CPI for this year, but on that improperly adjusted base, is, to my way of thinking, verging on the dishonest; and we will not take part in any dishonesty of that sort.

If the government wants to look at it another way—if it wants to carry Justice Roach's remarks completely through, with Justice Roach saying that compensation is to compensate for loss of earnings, it shouldn't just have adjusted it by the percentage increase in the cost of living—which was 180 per cent over those years, plus 10 per cent for last year—he should have adjusted it by the percentage increase in salaries and wages in the Province of Ontario, which was 420 per cent from 1946 through to the end of 1973 and 453 per cent from 1946 through to now. If the minister really wants to make Roach happy, if he really wants to make his quote mean what he says and what he meant it to mean, that's the percentage increase the minister would have added on, and not just the cost-of-living increase.

That change is so big for the board to comprehend that at the moment we might compromise and say that the cost-of-living percentage increase is adequate, because we know we couldn't get the minister to adjust it by what it should be adjusted; that is, to make the increase as a percentage equal to the same percentage increase in salaries and

wages. It would be a much higher figure than it is.

Mr. Speaker, in a bill which implies that however inadequate the base, the increases are being adjusted by the consumer price index increase for the past year—an amount of 10 per cent, which is very close to 10.1 per cent—to not clearly indicate that we are going to automatically escalate pensions each year by the amount of increase in the consumer price index is something that simply cannot be tolerated and is a grave omission from this bill.

The fourth major point which will cause us to vote against this bill is the continued use of 75 per cent of the workers' earnings on which to first calculate his compensation and then as the maximum on which to calculate his permanent partial disability pension for future years.

We've always said that this should be 100 per cent and made taxable. One of the reasons why this minister and his predecessors have said that the 75 per cent is acceptable is that the 75 per cent is non-taxable.

Let's just have a look at what the actual difference is to a worker in a couple of salary classifications when he suffers an injury and goes on 75 per cent non-taxable benefits as opposed to the 100 per cent taxable earnings from his job.

I have figures for a person who earns \$160 a week, or \$4 an hour, which is \$1 above what the minimum wage should be and \$1.60 above what it actually is in Ontario. If that person is single, he suffers a weekly loss, between 70 per cent non-taxable and 100 per cent taxable, of \$10.82 a week. He's already injured, he's already being paid, and his actual loss, because of that difference, is \$10.82 a week.

I don't see why the minister feels he should penalize an injured workman at the rate of more than \$530 a year simply because he's injured. That's what the minister is doing when he tries to say that 75 per cent non-taxable is pretty close to 100 per cent taxable.

If the man is not single but happens to have a wife and children, because he pays less taxes because they are deductions from his income, the loss is even greater. If a man happens to be married and has four children—I have the other categories here, but if he's married and has four children and is making \$160 a week, or \$8,320 a year, he loses \$22.37 a week, more than double what a single man making those same earnings loses.

The scheme not only discriminates against all workers at that salary level—because the 75 per cent non-taxable does not equal their 100 per cent taxable—it's even more discriminatory the more dependents that person has. The difference at that level, at \$160 a week, between a single man and a married man with a wife and four children, is the former loses \$10.82 a week, the latter loses \$22.37 a week.

I don't have the actual maximums here, Mr. Speaker. I didn't work it out exactly for someone who was allowed to earn the maximum. Yes, I did. I got one very close to someone who, under this bill is now allowed to earn \$15,000 a year, that is the maximum on which the minister applies the 75 per cent. Let's look at that 75 per cent non-taxable and how that compares with 100 per cent taxable. The single man loses \$37.47 a week and the man with a wife and four children loses \$51.77 a week.

Now \$15,000 taxable is not a very high salary in this day and age. It's not all that much above the average of salaries and wages in this province. When that man is injured, the minister is willing to pay him—or is willing to penalize him for his injury, if he is married with four children, by an amount in excess of \$50 a week. There is just no justification for taking that sort of penalizing action against that worker. I don't know what the minister wants to do or what arguments he might have in terms of maybe paying 100 per cent non-taxable or paying 100 per cent taxable, because they are exempt from the federal Income Tax Act, but he should have at least some sort of sliding scale of benefits so that the injured workmen are not penalized to the extent they are by receiving only 75 per cent of their total earnings, those earnings being non-taxable. The minister most certainly does now and the more dependents a worker has, whatever salary range he is in, the greater is the penalty and the greater is the discrimination.

I see nothing in his saying to an injured workman, "We'll pay you 100 per cent non-taxable, because you have additional pain. You have additional mental anguish. You have all that worry in most cases about whether or not you can get back to work again and when and whether it will be an injury such that it's going to restrict you in your future employment." We would say for that additional worry and that extra pain, the government could afford to pay him more than he was getting before his injury.



For heaven's sake, we all know, as MPPs, how the board has been administered in the past in terms of medical reports and the careful, close scrutiny given them so that the board assures itself that the injured worker is not trying to take the Workmen's Compensation Board for a ride in terms of playing at being ill when he isn't. The problem I and other MPPs have experienced with the board is to keep workers receiving compensation when they so very obviously need it in medical terms rather than re-seeing persons who have the reverse problem of not needing it any longer because they are not medically ill but are still receiving it. That has not been the problem. The problem has always been the other way around. The government has a very good system, and always has had over the years, of being able to cut workers off, being able to keep up with the medical reports and being able to assure itself there was no ripoff of the board being made by workers who were not as ill as they seemed.

I agree with the minister—workers should not be using the Workmen's Compensation Board scheme as a ripoff. If they can go back to work they should be back to work. If they can accept medical and vocational rehabilitation they should be accepting medical and vocational rehabilitation. By the same token we see no problem with it being 100 per cent non-taxable so in those periods when they are undergoing this pain and this uncertainty in their lives, they are receiving a little bit more in actual take home pay than they usually receive. Certainly the figure of 75 per cent is highly and grossly discriminatory and we object to that being continued in all these bills which pretend to increase the benefits.

The other two points we certainly would like to have seen in this bill would be the removal of the maximums. I know we argued this two years ago. I think, with the bill of two years ago, having heard a rumour that MPP's salaries might go up to \$15,000. I suggested replacing the figure in the bill with a maximum at least equal to the MPPs' salaries. That was done facetiously, knowing we would have lost the argument for removing the ceilings completely. I still say—and our position still is—that there should be no ceilings.

If there is someone earning \$30,000 who gets totally permanently disabled, we can't see why his compensation while he is totally disabled or his pension if it is a partial permanent pension cannot be a percentage of his full earnings. We do not see why this cannot happen.

There will be very few cases of people earning that high an amount. There will be about as many of them, I suspect, as there are women who have been killed in the workplace leaving a widower. There are very few of those high earnings cases.

At the moment the minister has set \$15,000 as a maximum on which he applies his three-quarters so that irrespective of what that worker makes the most he can receive in compensation—or in pension, provided he is totally disabled—is still \$11,250; irrespective of what his earnings capacity was or what his total earnings were before that time. We say that this is not adequate. We won't even play the game of saying he should have a take home pay of at least what an MPP has, \$15,000, by making an amendment for it to be \$20,000. Knowing full well the minister probably won't omit his three-quarters, he needs a \$20,000 maximum in order to be able to have a \$15,000 calculable base, which is what MPPs make.

We simply say that maximum should disappear completely and until it does, the government doesn't have a scheme to compensate workers for their loss of earnings, which is what the Workmen's Compensation Board in Ontario is all about. It is helping to rehabilitate workers; helping to initiate safety programmes; seeing that workers get the proper vocational and medical rehabilitation and support; and seeing that they are compensated for their loss of earnings.

Mr. Speaker, there are steps forward in this bill but because of the four main points—still retaining the 75 per cent; the revaluation of last year's amounts being far too low and still being carried through in this bill; the fact that widows' pensions have not been properly adjusted and have not even been kept in the proper categories as they have been in other years; and the fact that no clear scheme of automatically escalating pensions is in this bill—we must vote against it.

**Mr. Speaker:** The member for Hamilton East.

**Mr. R. Gisborn (Hamilton East):** Mr. Speaker, the principles involved and debatable in bill 106, of course, are the adjustments in the several categories of payment to claimants. I think all members can agree at this point that the member for Windsor West has made a sound critique of the inadequacies of those adjustments and has stated very clearly that this party can no longer sanction the welfare measure implied in every change that has made.



We have taken this position each time they have brought in amendments to the Workmen's Compensation Act, and I've noticed for many years that when Ministers of Labour have been squeezed by criticism, they stand up, pat their chests and say, "We are noted to have one of the best Workmen's Compensation Acts in North America, and other countries are adopting it as a model." Well, it's about time we dropped that silly notion.

I can add very little to what the member for Windsor West has said, but I think his effort should be enough to persuade the minister to withdraw the bill and at least make the adjustment to remove the inequity in the area of the widow's pension. I could make comparison that would make one shiver. Imagine one person living next door to another, a totally disabled workman receiving \$400 a month and next door, a widow of a deceased workman receiving \$286. One might say that they should get together somehow so they would have \$686 and they might, in a frugal way, get by.

I think we should start, at some time or other, to enlighten ourselves as to what people need to live on. It's hard to deal with the principle of continued amendments to a bill of this type. I thought that the member for Welland South had some good points, but of course he was out of order in dealing with specific cases; I expected that others would be ruled out of order because they were not sticking strictly to what the minister put in the bill as amendments.

There are some real enlightenments in other Acts, and I assume at this point that the Minister of Labour has read the latest report that was commissioned by the Saskatchewan government. It shows some enlightenment regarding the problems we're talking about today.

One point I would like to stress—it's not in this Act, and I hope I'm ruled out of order—is the main recommendation made by the commission that reported last year to the Saskatchewan government. I refer to the enlightened move of workmen's compensation into an accident and sickness programme, the principle being that anyone who loses wages because of an injury should receive his or her income.

I've said before that nothing disturbs the harmony of married life more quickly and more dastardly than when the paycheque stops coming in. I'm talking about those men and women who are injured, not in an industry, but injured at home or through an accident on the street. If they're not in a plant that has an organized contract, where

they have negotiated weekly indemnity, they then are forced to use their savings and invariably, if it's a long-term disability, end up on the relief rolls.

The main recommendation in the Saskatchewan commission report was that the government should move towards an accident and sickness programme. It could be entwined in the Workmen's Compensation Board. It could be financed by a percentage sharing of employee and employer payments. It could be based on the same type of a system that we have now. But there is a real inequity in this situation.

We believe in the principle of workmen's compensation, that workers get 75 per cent of their wages when they're injured, even though we at this point think that there is a great inequity in that calculation. We agree in principle with unemployment insurance, where they now receive something like \$126 a week if they're unemployed as a result of sickness or just plain unemployed. Why not the same principle applied to those who are injured at home?

I would ask the minister to show some enlightenment and take this up with his colleagues. At least give us the promise that he will give it consideration. Let's do something for that large group of people in this province who are forced on relief because of an injury or disablement because they are not included in any one of the three categories that pretend in some sense to provide an adequate income for those who are injured.

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, I would like to reiterate the comments of my colleague who just sat down. I am also getting a little tired of Ministers of Labour standing in this Legislature, beating their chests and proclaiming that we have the best compensation legislation in the world. We have had them standing in this Legislature breaking their arms patting themselves on the back. At the same time, we have had occasion to lock this building to protect the Minister of Labour from the disgruntled mobs who are beating at the front door of this Legislature. And that happened within the past three months.

The minister can recall very well when at 9 o'clock in the evening it was impossible to get into this Legislature because of the discontent of hundreds of workers at the front door. They were trying to get at the Minister of Labour for the indignities and the suffering which he and the Workmen's Compensation Board had heaped upon the workers who were unfortunate enough to become injured in the workplace in the Province of Ontario.

I would appreciate it very much if the ministers would restrain themselves and quit trying to sell what is a deficient piece of legislation as something that is the best in the world. It is not the best situation in the world, and the government knows it very well.

Fiddling and fooling around with workmen's compensation cases fully preoccupies 75 per cent of the time of myself and every other member of the Legislature who sits as a member of the New Democratic Party. We are constantly forced to go to the board to try and have the deficiencies or the maladministration of the board corrected; and the minister very well knows that. How can he continually stand there and say that we have the best legislation in the world when it takes 50 Ontario Provincial Police to keep the mobs of injured workers from coming into the building? I resent very much the way the ministers have acted. It is strictly window dressing.

The deficiencies in the Workmen's Compensation Board are amply demonstrated when we just reflect back over the past year and call to mind the results of the failure of this government of Ontario to protect the workers in the mining camps in northern Ontario. I make reference to the horrendous situation which has developed in Elliot Lake and the problems that the workers there are facing as the result of injury to their health because the government of Ontario, the Minister of Labour and the Workmen's Compensation Board fail to protect the health of these workers. There are literally hundreds of men in the province and throughout this world who have yet to reap the bitter fruit of the failures of this Workmen's Compensation Board to protect the workers in the workplace.

This is some more Band-Aid legislation. The government is going to raise the minimums on which pensions and disability allowances can be calculated, but there is the basic deficiency in it that once it has raised the minimums it is going to revert to the 75 per cent of income of the worker over the past year. And at no time, even though this question has been asked 100 times since I have been in this Legislature, has the minister been able to answer adequately why a man should be penalized at the rate of 25 per cent of his pay because he chose to go to work.

By what rationale does the government reduce a man's income, a family's income, because all he wanted to do was go out and work and contribute to the state? There is all of this high phraseology that a worker should not suffer and should be compensated

for his contribution to the state and should not be penalized on account of injury in the workplace. All of this is for nought. It's just window dressing, flowery words. This government still persists in penalizing injured workers because they have to go into the workplace.

The industry I've been involved in for the past 35 years has one of the most horrendous records of any industry in this province. I come from the mining industry; I know exactly whereof I speak. The accident rate there has not improved over the past five years. The industrial disease rate has become worse as a result of the exposures that came out of Elliot Lake. The minister should recall, but probably doesn't, the calamity in the sinter plant in the Copper Cliff smelter. The minister probably is innocent of the facts of life as they relate to a person who has to go into a mine or a smelter to earn his living and to make his contribution to society.

It's unfortunate that I have to stand here this afternoon with this shadow over my head of having been innocent enough, as a young man, to go into the sinter plant in Copper Cliff. I resent that this government has neglected to protect me, that I was not advised of the facts when I was too young and innocent. I resent that it let a situation like that develop. I am now on the list of workers from the occupational health protection branch of the Ministry of Health, and I'm called once a year for a sputum test and for lung x-rays because this government allowed me to enter the sinter plant in Copper Cliff.

We can't rely on the mining companies to protect us, and yet there is weakness in the legislation which says that the mining companies are responsible for the health and safety of their workers. They have demonstrated time and time again that they will not exercise their responsibility; they are so callous as not to have any regard. They care not for one more body; it's just an expense of doing business.

As long as this minister sits here and protects the industries from proper assessment so that he could compensate these workers at a proper rate, then industry will just do a cost-benefit analysis and decide to continue killing, diseasing and maiming workers. The minister knows that's how they operate. It's strictly a book balance at the end of the year. There's no humanitarian aspects whatsoever as far as these mining companies are concerned.

Another weakness in the legislation—and I wish the minister would listen to it—is



that it does not take into consideration the kind of jobs various men have to do in order to make their contribution, and without their contribution we would be in a different world.

There should be a burnt-out pension, the principle is established under the Veterans Benefit Act at the federal level. They have realized that certain men had to endure extreme difficulties even though they didn't suffer any precise injury. They weren't hit by shrapnel or they didn't stop a bullet; just the living conditions and the environment that they were subjected to shortened their life span.

I would suggest to that minister that he has to take into consideration some of the workplaces that men go into voluntarily—and the day might come when they will have to be conscripted to go in, because they are getting wiser every day. In fact, there was a recommendation made by one of the doctors from the occupational health protection branch that 15 years in a uranium mine is enough. No man should be forced to spend longer than 15 years in a mine. I would relate that to any kind of a mine.

I'm sure the minister must realize that after 15 or 20 years of hard work, even though this man has not got his head smashed because he's been lucky enough to dodge the loose that's coming down around him; even though he has not torn his back or sprained his back; even though he hasn't suffered an amputation of an arm or a leg—by the time he becomes 50 years old, he can't put up with that pace any longer. He has to get out of the workplace. He has to come to surface. He has to go in at a lower rate than he started at.

Oh, the mining companies like a nice 20-year-old, 200-lb healthy man. They'll take him down there and squeeze him and put the pressure on him until he's about the age of 50. By that time he is burnt out. And try as you might, you can't get the compensation board to consider that this man is deficient and is going to suffer, not only in earnings, but his life span is going to be reduced because of the environment that he was subjected to—the dust and the gas and the heat and the cold. Every extreme that nature can provide is found in the mining industry, and there should be some recognition of the environment in the workplace that these men are subjected to.

Certainly, if the federal government can devise a means of instituting a "burnt-out" pension for men who served in wartime, certainly this government should be wise

enough to take a look at the statistical evidence and to calculate the life span and how many miners reach the age of pensionable benefit; very, very few of them ever reach that period.

I am also quite critical of the board in that they don't provide for granting the benefit of the doubt to an injured worker. It is constantly the worker who, through his advocate, has to continue to dig up evidence in order to challenge the decisions of the board. I think the benefit of the doubt should be reversed. It should be the employer who challenges the worker and disqualifies him. But no, they take the word of the employer consistently. The injured worker who is short of funds, who doesn't have the proper educational facilities, who doesn't understand the Workmen's Compensation Act, it is he who is caught out in left field.

I am just going to give one ridiculous instance of my experience in this. A worker at International Nickel Co. in Sudbury, after 30 years of underground work, made application for a silicosis pension. It was determined that he was 10 per cent silicotic. A message was received by letter that the board had determined a 10 per cent disability and they were now formulating a pension.

Well, lo and behold, the employer, the International Nickel Co., told the board that this man had had war service in the North African desert in 1945. Now, we are in 1974. And this company goes back to 1945 when this man served in a panzer division in the North African desert in 1945 and suggests that the dust in the desert may have caused the silicosis.

Now, how thin a string can you pull in order to upset a claim? Instead of the board telling the International Nickel Co. to get lost, they inquired into this man's war service—and it was true, he had spent a couple of years in the North African desert. But the board, in its wisdom—maybe they sent somebody to North Africa to test the silica content of the dust in the desert—came to the conclusion that the objection by the company was irrelevant and they said they would allow the award of pension.

But the company wasn't going to be bought off that easily. They also found out that this man, prior to joining the German Army, and prior to serving in the North African desert in 1944, had helped his father, who was a bricklayer in a German city, during a summer vacation when he was aged 16. This was probably 40 years prior to the event which we are talking



about, namely his contracting silicosis in Sudbury as a result of 30 years' work underground. And we are pulling strings all the way back to when the boy was 16 years old and helped his father to mix mortar in Germany. And that held up the claim again—a ridiculous, far-fetched story like that.

There is a successful conclusion to this. Finally, all of these objections were swept aside and the pension was granted and paid. But that is just a sample of the idiotic objections that this board will take into consideration in order to determine a person's pension. I don't think it should be allowed to happen or continue.

A year or so ago, the minister did make a certain amendment which provided that if a person was not able to return to his work place after an injury, and he was willing to take rehabilitation or co-operate with the board, he would not be reduced; he would get 100 per cent of his disability allowance. Lo and behold, I have had several occasions when men have been reduced to the 50 per cent level; that still hasn't appeared.

I think that is maladministration and the minister should be aware of that. He probably isn't. This is still going on; the board still takes these decisions even despite section 41. I think it is, which was included in the Act. I don't think a man or a company should be allowed to terminate a person's employment as the result of injury.

**Mr. Haggerty:** But they do it though; they do it.

**Mr. Germa:** I feel an employer, by injuring a man, should accept responsibility for that injury for the rest of that person's life. To some degree he does by having compulsory contributions made to the Workmen's Compensation injury fund or accident fund, but I think more liability should be placed upon the employer in that once he has ruined this man he has to accept responsibility for supplying him with a job.

I see there is nothing in the bill to correct a very big inequity in that workers who have been deemed to suffer permanent injury or permanent damage as a result of injury, are awarded a pension based on a clinical assessment. What does that really mean? The clinical assessment, of course, has nothing to do with the man's ability to work. In the industry I am familiar with and which I have worked in all my life, where we do have a particular problem, the basic requirement to be a miner is that one has a very strong back and is very stubborn. We do have a

considerable number of back injuries and very often an assessment is made that this man should no longer lift any weight greater than 25 to 40 lb. This seems to be the standard practice.

For some workers, being restricted to a maximum weight to handle—40 lb—wouldn't be very bad. If one is a financier, a lawyer or a brain surgeon, it matters not—or it matters very little—if one can't lift any weight greater than 40 lb. When we restrain a miner, when his health or his back is damaged to the degree he cannot lift more than 40 lb I say we have crippled that man 100 per cent.

He comes out of the clinical assessment with probably a 15 per cent disability rating but the prime thing he brought to the job, that young strong back, is now removed. That certainly has to be corrected. The minister has to take into consideration that by limiting the assessment to include only clinical factors, he is not really relating the disability pension to the man's ability to work. I wish the minister would take that into consideration.

Another problem I am concerned with, and it seems to be growing, is the pressure placed on people who are under rehabilitation. I did raise this with the minister at an earlier event this year and I'd like to put on the record the results. My complaint was that the rehabilitation branch are injuring their own people by forcing them to participate in the rehabilitation programme. I did ask for an accident report of what kind of injuries were being suffered at the rehabilitation centre in Toronto and the next day I was provided with the available statistical evidence for the period; that would be 1973. I'd like to put them in the record because at that hearing there was no record of the debates.

In 1972 there were 5,726 admissions to the rehabilitation centre in Toronto; in 1972 there were 254 accidents at that rehabilitation centre. Among those 254 accidents were 20 fractures; there were three shoulder dislocations; there were 62 sprains; there were 34 lacerations; there were 17 abrasions and 73 contusions. There were other complaints not quoted. That isn't the whole list; that doesn't add up to the 254, but those are the most predominant ones.

In 1973 we had 5,538 admissions with 249 injuries reported. The most serious one, and the reason I raise this, was a complaint I had from a worker who had been ruptured by being forced to push a wheelbarrow up a ramp, an exercise which he knew he could

not do. He was forced to do this job. The result was he couldn't handle the wheelbarrow with the bricks in it, he slipped and fell and he ruptured himself.

I was interested in knowing how many people the rehabilitation centre had ruptured in 1973 and I came back with the figure of three. I think it is indicative, when they are rupturing people, that they are pushing a little bit too hard. In 1973 we had three hernias reported even though there was none reported in 1972. That year we had 14 fractures as a result of rehabilitation services and the list goes on and on.

I think there is too much pressure on the injured worker to return to the workplace. The worker should have some say in determining when he goes back because I find the medical profession is getting very cynical. They must have some thought in their mind that this person is malingering even though some doctors I have talked to have said that, particularly with injuries related to spinal problems, the medical profession admits it cannot precisely determine the amount of the man's disability. Some doctors are leaving it up to the injured worker to decide whether or not he can do the job. If some doctors come to that conclusion I think the rehabilitation department should let the workman determine what kind of a job or what kind of rehabilitation his health will allow him to do and he should not be pushed to the degree that he suffers fractures or hernias.

This report I have indicates that the accident rate in the rehabilitation centre rose from 0.8 per cent in 1972 to 1.3 per cent in 1973, almost a 100 per cent increase.

I would hope the minister would take recognition of the complaints we have consistently made against the Workmen's Compensation Board and the legislation that governs it, and eventually get around to bringing in legislation which will serve to alleviate the numerous complaints we have on this side of the House.

**Mr. S. Lewis (Scarborough West):** Mr. Speaker, I would like to speak directly to the minister on the basis of the bill and I want to deal with the subject matter I have in a series of explicit case references in order to make the points we would like to make. That may be the best way of illuminating it.

We don't oppose the bill lightly. One never opposes lightly a bill which raises benefits to injured workmen but there are some principles in the bill which are still so violated and some aspects of the bill so wanting that

I think it is necessary to make a number of points about the Workmen's Compensation Board and the Workmen's Compensation Act. If I seem intemperate about the board from time to time it is only because patience is failing and the prospect of the Tories losing the election and some of us being able to do something about the Workmen's Compensation Board is almost more than I can contain.

**Mr. F. A. Burr (Sandwich-Riverside):** Exhilarating.

**Mr. Lewis:** Exhilarated is hardly the word. If there is ever an organization which needs a house cleaning, it is the Workmen's Compensation Board.

By the way, I don't say that lightly to the minister, Mr. Speaker, because I am one of those people who believes profoundly that transitions in government, changes in government, are something you approach carefully, shoring up all of those who can perform in the public interest even if their convictions may be slightly different from those of the new government. But with the Workmen's Compensation Board, patience runs out early.

I want to begin, Mr. Speaker, by reading a letter to the Legislature and to the minister, which I received just in the last few days. It is dated June 17, 1975. I am going to use the name, because I have permission. It was sent to me and it is re Roderick Joseph Justin Moloney, late of 246 Prince St., Peterborough, died July 6, 1973.

The letter is written to me by a secretary to a legal firm in Peterborough. I can leave out the first paragraph; the letter reads:

A client of our office, the above-named Roderick J. J. Moloney, died on July 6, 1973, from what was diagnosed as cancer. He had a history of diabetes, but as far as I know the two diseases were not related. Roderick was survived by his wife, Catherine, and three infant children. They are now at adolescence.

Roderick Moloney had worked for Raybestos-Manhattan Canada Ltd. for 28 years prior to his death, having started to work there in July, 1945. On his death, his wife received from Raybestos the magnificent sum of \$4,000 group insurance; the sum of \$2,123.06 from the pension plan for employees in that bargaining unit. Aside from one other small private insurance policy and some money in shares in his credit union, that was his estate, except for his residential lands and premises, which were paid off.



It has occurred to me, that with all the publicity being given to illness and death amongst Raybestos employees, Roderick Moloney's name hasn't been mentioned. I spoke to his wife, Catherine, in the office yesterday and have her permission to write to you. She said a few of the fellows have mentioned Rod's illness, but maybe nothing can be done now. However, since her only income is her Canada Pension benefits, if there is any possibility of Rod's case being reopened so that she might be eligible for workmen's compensation, it would certainly be wonderful. She isn't counting on it, of course, but I just thought that you might consider this case.

Mrs. Moloney told me that Roderick used to look forward so eagerly to his vacation so he could get rid of the smell of the plant from his clothing, skin and hair, and felt so much better when he did. Surely that says something.

I am enclosing a photocopy of a physician's statement, which I have found in the estate file regarding Rod's illness.

And the physician's statement for the Empire Life Insurance Co. is attached and it points out that carcinomatosis was evident in the deceased, and it is quite clear that the death was as a result of cancer.

I have since spoken to Mrs. Moloney and I could happily bear some kind of penance these days. I can never keep papers and materials in hand. I have since spoken to Mrs. Moloney and she is living, if memory serves me, on a pension that is somewhere in the vicinity of \$140 or \$150 a month, plus a small rental income from one of her children who works and pays board. That is virtually the total income.

Let me tell you why I read this—

**Hon. Mr. MacBeth:** May I ask the member where the pension was from?

**Mr. Lewis:** From Canada Pension Plan disability. Canada Pension Plan, I may say, almost always recognizes disability, whereas the Workmen's Compensation Board, for people who should be considered permanently unemployable within the Ministry of Community and Social Services, they almost never recognize disability. One often says thank God for the flexibility of the way in which regulations are interpreted by the Canada Pension Plan; and it would be, I am sure, the disability feature of that plan.

The reason I read the letter to you is to speak to something that has been bothering me ever since we began to raise questions of

occupational health in the provincial Legislature. That is the failure of the Workmen's Compensation Board to make any effort to find out whether occupational disease has resulted in disability, impairment or death of workers who have worked for a protracted period in a given place. The Workmen's Compensation Board just washes its hands of any responsibility except receiving information and processing claims. They are wrong; they are guilty of moral neglect. I have said it before and I'll say it again.

I remember when we dealt with Johns-Manville in the committee session of the Workmen's Compensation Board when it was first open. We asked Michael Starr, having presented to him all the information on silicosis from Elliot Lake and all the information on asbestosis from Johns-Manville, how it was they never took the initiative to seek the problems out and to apply solutions. They said invariably—they always say—"We receive the information. We process the claims. That's our only obligation," and we say, "Nuts."

What's wrong with the Workmen's Compensation Act amendments in this instance is that there is no obligation on the board to go back to those areas where there is an evident and persistent pattern of illness to see if injured workmen or the widows of deceased workmen should be entitled to claim.

What is so pathetic and unhappy about this letter is that the deceased died in the middle of 1973 of cancer which, it is 90 per cent almost sure, would be asbestos-related—after 27 years there is almost no question that a claim would be honoured—and by virtue of some indirect initiative it comes to light two years later when the Workmen's Compensation Board should have been on to that Raybestos plant, asking for every single doctor's certificate at the point of death to see whether or not it was a potential asbestos-induced disease or death. That's what a civilized Workmen's Compensation Board does. That's what a board does which isn't so obsessed with the bureaucratic processing of claims that it has no time to follow patterns of illness or impairment.

I feel that very strongly. It isn't as though these cases are so proliferating that they can't be handled. The board should automatically investigate the death or impairment of every worker at Johns-Manville; Raybestos-Manhattan; where they have chronicled it from Indusmin in Whitby; where they are chronicling it at Elliot Lake now; and find out whether compensation entitlement is possible.



When we are dealing with a company like Raybestos, there is no possibility of the company intervening on behalf of the worker. Can anyone imagine it? He was 27 years at the plant and the widow ends up with \$2,123 as a lump pension benefit? Can anyone imagine it?

**Mr. Burr:** Two dollars a week.

**Mr. Lewis:** Two dollars a week, my colleague from Sandwich-Riverside points out. That was the total inheritance for 27 years of the man's life in Raybestos-Manhattan—and a \$4,000 group insurance policy.

Is that the kind of company one expects to go to the Workmen's Compensation Board and say, "We know this man died of lung cancer and it may be an asbestos-related disease and the widow may be due compensation"? Not on your life. When one gets companies which are so dreadfully insensitive it should be the initiative of the Workmen's Compensation Board to seek people out and to provide compensation. If only it were possible to get them away from the preoccupation with the processing of claims. That letter indicates it.

I left sitting on my desk 20 minutes ago—because I thought this debate was about to end abruptly—a letter I received the day after the Johns-Manville case came to public notice. It's of a man—no, I'd better not use his name—who worked for Johns-Manville for 27 years; died of lung cancer at the Centenary Hospital in the summer of 1974, and we have just opened the case with the board now. I wrote a letter to Michael Starr on April 5; he acknowledged it subsequently, and the claim was opened on May 6. From May 6 to this date, I haven't had a further reply, although the claim is now in process, but I'm sure that it will be honoured.

I want to know why, by accident, it has to come this route, instead of the Workmen's Compensation Board going to Johns-Manville and saying, "Show us the letters of your deceased employees. There is a pattern of asbestosis and lung cancer in this plant. People are obviously due compensation, and we're going to seek them out and provide it."

I really feel, as deeply as I can convey to him, that the minister should instruct the Workmen's Compensation Board to do that, and that that should have been a legitimate clause of this bill. It should not be necessary to resort to this kind of indirect and capricious request for justice.

The other reason I read this into the record, and spoke to Mrs. Moloney earlier

this week to seek her approval, is that this woman will now receive, under the beneficent terms of this legislation, something like \$286 a month if the husband's claim is honoured, as I bet it will be. I'm saying to the minister that \$286 a month after 27 years of work at Raybestos-Manhattan is also morally wrong, and there is something wrong with legislation which permits that to happen.

If the minister has to be selective in his legislation, then by all means he should be selective. If he has to define a distinction between occupational disease and accidental death of a different kind, then let him make the distinction. But do not have widows of men who have worked for 25 to 30 years in a specific environment reduced to levels of \$286 a month. Human ingenuity can devise a more equitable system than that. I'm absolutely certain of it, and I think the minister is certain of it too.

If the whole increase in the widows' portion of this legislation amounts to \$1.5 million—and again I'm working by memory—so that it is barely one to two per cent of the total cost the the minister introduced, then I say to him, increase it to the minimum provided in this legislation—\$400 a month—and give that to the widows without carping about the possibility of some of them receiving more than they are due. Better he should err on the side of largesse in a situation like this than to reduce people to such a penurious state after a man has given his entire life to the work force. I'm reminded in saying that of another instance; I can only talk about them in specific instances. I don't know how else to talk about them. About 10 days to two weeks ago I was brought to a home in Scarborough at the request of a woman who is a teacher—I spend a large part of my life on these cases, as would the minister were he involved, I have no doubt, and one develops a certain resentment at the lack of justice in the process.

I went up to a little home in the north-east corner of Scarborough and I sat down with the young woman who invited me and her father, who has been a management employee of Johns-Manville for 27 years—it's like a magic number, that 25, 26, 27 years. He is now being treated for lung cancer. He had received 23 cobalt treatments. Sadly enough, it did not work, and about a week or 10 days ago, they began radical drug therapy. I don't know where it stands now. It's for a lung cancer disability.

It's typical of Johns-Manville that after 27 years in a managerial position, the man's income is \$11,000 a year. He had applied for

a claim of asbestosis back in April, 1974, and in November, 1974, they finally called him for an x-ray. I have the letter from Dr. Stewart and in February, 1975, they denied his claim. By that time, he already had diagnosed cancer. That's quite artful of the Workmen's Compensation Board.

On April 7, they write him another letter saying:

Dear Mr. H:

Originally your claim for occupational chest disease was denied. Further medical evidence has been presented and your claim reviewed. It is now found that you have a chest condition which can be related directly to your occupation. Considering this, your claim has now been allowed for an occupational chest condition. It has been reported that you have been off work since Feb. 11, 1975, for treatment of your chest condition. Payment of temporary disability benefits will be considered once your employer confirms the type and amount of benefits you received from them since your layoff.

That was April 7, 1975. From that date until the middle of June, the man heard not another word from the Workmen's Compensation Board although he had diagnosed lung cancer.

A funny thing happened. By accident, a letter came to his home, with a very substantial cheque in the letter—I think it was for \$700—made out to Johns-Manville re this man. It had been sent to his home by accident. He went trotting off to the Johns-Manville plant, the personnel director, and he said to the plant director: "What the devil is this?" And the director said, "Well, that's our money, not yours."

And so it came to light that the claim had been approved and the board was paying compensation to Johns-Manville to replace the money they were paying to the employee but at no time had the board indicated to this person, this employee, what level of compensation they would pay, for what precise disease they would pay it, for how long they would pay it, and what was involved. He sits in his living room with his wife and his daughter, in a state of acute personal anxiety, wondering how in the devil one finds out from the Workmen's Compensation Board what rights one is entitled to and under what circumstances.

I suppose these things slip up; so often they slip up at the WCB. I, for one, am weary of it, as are my colleagues from Sudbury who have dealt so long with the board

and Sudbury Inco, Elliot Lake and Rio Algom and Denison. These things should not be allowed to happen.

If, God forbid, this man passes on, dies as a result of his disease, his widow is left with \$286 a month and that is wrong. That is as reprehensible and inequitable as any piece of legislation in this province. I say it is possible, even for Tories, to construct a more humane, a more civilized, a more just response to neglect.

Forgive my putting it this way, Mr. Speaker, to the minister, it's as much the fault of the government as it is of the company, and the least it can do, for not enforcing adequate standards of health care in those environments, is pay to the widows adequate compensation. It's no more than appeasing what should be the acute sense of guilt, that alone should sponsor it because everyone of these cases lies at the feet of the government, nowhere else.

The Tories have been in power for a period of time which encompasses the entire work span of every single worker who has died of silicosis, asbestosis, lung cancer or mesothelioma, and they as a government, not individuals but as a government, have tolerated the conditions which resulted in the deaths. They end up paying the widows \$286 a month. One begins to understand why it is that, as a party, there is a great deal of public scepticism about them throughout the Province of Ontario.

I want to raise another case with the minister. I want to raise the case of a man who sat here in the gallery for most of the week because he was receiving treatment at Princess Margaret. He has now returned—I guess just yesterday—to Elliot Lake. I had wished that he would be here for the debate and it speaks to another aspect of the legislation which is so wrong we will not support the bill on second reading.

The man's name, and I don't know whether you have met him, is Gus Frobel, and he is one of the gentlest, loveliest people I have met in the last couple of years of dealing in this area. He is also a man of exceptional tenacity and persuasiveness. His is the first lung cancer related to silica dust case acknowledged by the Workmen's Compensation board. For three years Gus Frobel fought an individual and lonely battle and won his case before the board, presenting overwhelming medical evidence of the legitimacy of his claim. And it was at that point that the Workmen's Compensation Board



started to accept lung cancer as a compensable condition at Elliot Lake.

Gus Frobel has now lost a lung; Gus Frobel has now lost half his heart; Gus Frobel is now under treatment for his remaining lung; and Gus Frobel continues to fight. And the assault on the Gus Frobels of this world, which is committed in this legislation, as it is an assault on so many workmen's compensation recipients who had misfortune of being injured in the late Sixties or early Seventies, who had the misfortune of their claim being honoured in the late Sixties or early Seventies, the injustice and the misfortune of this legislation is the government's refusal to recognize what those people would be worth had it not been for government neglect.

Let me just give you the simple facts, because the chronology is kind of interesting. On July 3, 1972, Gus Frobel received a 100 per cent disability pension for \$5,250 per year, or \$437.50 per month, or \$100.96 per week. On July 1, 1974, according to the formula in last year's amendments, Gus received a two per cent increase for each year from 1968 to 1971—1968 being the year of confirmation of the lung cancer related to radiation and silica—and then four per cent for 1972 and 1973, giving him a total of a 16 per cent increase. Therefore, he now receives, before this legislation becomes law, \$5,889 per year, or \$490.75 per month, or \$113.25 per week.

On July 1, 1975—if the bill passes and is proclaimed—according to section 6(2) of the present amendments, Gus will receive 10 per cent more. Therefore, he will receive \$6,477.90 per year, or \$529.73 per month, or \$124.59 per week. When Gus had to stop working underground at Rio-Algom in 1968, he was making \$10,000 per year. Since then, wages at Rio-Algom have increased approximately 60 per cent, which means that he would have made this year more than the ceiling. And if he had been stricken this year and his claim confirmed this year, he would be receiving \$12,500 per year. Instead, he receives \$6,477.90, approximately 50 per cent of what workers falling ill from now on will make.

Now, let me give you a comparison. Since Gus' first operation in 1968, to March 31, 1975, Rio-Algom has made a declared net profit of \$169 million. But for Gus Frobel, the pension remains at \$6,477.90 a year, even though he would be earning more than twice as much today had he been able to continue to work. That is what is so incredibly unjust about the Workmen's Compensation Act and

the government's refusal to introduce amendments to take that kind of criterion into account. It is wrong; it is truly wrong.

Here is a man who had to fight for three years against the bureaucracy of the board and government to get his claim reinstated, or at least acknowledged. Here is a man who is now reduced to 5 per cent of what he would be entitled to, because this legislation refuses to acknowledge that reality.

I have asked in the House before, "What is wrong with the government?"—and the Provincial Secretary for Resources Development (Mr. Grossman) hurls it back at me in a kind of frivolous way. I don't understand the operating rationale for the government. I don't understand the human priorities. I don't understand how they evolve their criteria for the worth of a life—I don't understand it—unless it is measured against what companies can afford, rather than what lives are worth.

It is the ultimate indignity to the Gus Frobels of this world that they should now receive something like 50 per cent of entitlement because this government can't make its legislation retroactive—as everybody in the whole Workmen's Compensation field has been asking it to make it for as long as I can remember.

Has the minister ever spent time with Gus Frobel, can I ask across the floor, by way of question?

**Hon. Mr. MacBeth:** I am afraid I don't recall—

**Mr Lewis:** The minister doesn't recall him. If it is possible—and I know it would be for Gus—I would like to arrange an opportunity for this man and the minister to sit quietly in the minister's office and talk. And, as he quietly and movingly tells of the events from 1968 to 1975, maybe that will be vivid enough to persuade the minister and his colleagues of the justice of the case, and of how wrong it is, when government and companies have been responsible for this man's disease—and, doubtless, eventual death—that they should then penalize him in the years he has remaining. It is really intolerable. It is quite unbearable. I will leave it at that. The minister is a decent fellow. He will see Gus Frobel and maybe it will influence the future, if not the present. But the minister can never ask Gus to support this kind of bill; a bill which continues to visit this injustice on working people.

That leads me to another example that I want to deal with, because it derives from the same thing and it is probably the single more eccentric and unusual Workmen's



Compensation case in Ontario. I suspect the board would even agree with that description.

It has to do with a man named Antonio Nigro—and Antonio Nigro lives in my riding, ironically. He lives in a geared-to-income Ontario Housing development called Warden Woods. He lives on Firvalley Ct. I am very fond of Tony Nigro and his family. Tony Nigro was the first person in Ontario to suffer the bends in a subway construction accident in 1958.

For 14 years we tried to establish 100 per cent entitlement for Tony Nigro, and for 14 years the board held out. It held out against John Roberts, against the member for York South (Mr. MacDonald), against Liberals and against cabinet ministers. It dug its heels in and held out. Until finally, in 1972, the board capitulated and awarded Tony Nigro 14 years of 10 per cent retroactive disability, amounting to a sum in excess of \$50,000, plus a monthly pension which must now be in the vicinity of \$400 to \$500 a month.

And do you know, Mr. Speaker, that money sits in trust to this day? And do you know, Mr. Speaker, that Tony Nigro sends the cheques back, when they come to him on a monthly basis? And let me tell the minister why—why this extraordinary case—because when the board finally capitulated to the irresistible logic of the claim, it couldn't allow itself to behave decently. This is why I found the previous chairman of the board so totally unacceptable in his position. They couldn't allow themselves to behave decently, and they decided to give the money to Tony Nigro through the public trustee; the clear implication being—because it is in the legislation—that one is not really emotionally stable enough to cope with the money if it comes through the public trustee. Tony Nigro said he would have none of it. He would have absolutely none of it. He had been managing money better than most human beings, as the Ministry of Community and Social Services can tell you, because they have had him on a social allowance for 15 years. He has done more in a crippled condition than very few people can work on this earth. Tony Nigro wasn't going to capitulate to the indignity of taking the money through a third party on the basis that he wasn't mentally healthy enough to administer it himself for his family.

We went to the courts and Tony wouldn't accept it from the courts. We went to the public trustee. The scenes were quite funny. I was on my hands and knees at one point, trying to get Tony and the public trustee and everybody else to work it out. Tony wasn't having it. We went to Michael Starr and

sat in his office with Tony's lawyer and tried to work out a way of the board admitting its mistake and getting money back to Tony. But they never removed the one condition that they had stipulated. So this man who was driven to a kind of ambulatory paranoia by the board's behaviour for 14 years has to this day never accepted the board's money. It's incredible.

It sits out there, \$52,000, gathering interest, several hundred dollars a month gathering interest. He lives off a social allowance, plus some money that he can get from, I think, a stepson. He's a totally rational and lucid man on every front except the Workmen's Compensation Board. That board, in the ultimate vindictive act reduced him to a man who feels almost pathologically at war with the board. Over 14 years they subjected him to so many indignities that I can't convey it to the House. One of the reasons that Tony Nigro won't take the money is that he says: "Why should I take the money based on the level of earnings in 1958? Had that not happened to me, I would be making this much more money and I want that reflected in the decision as well."

I will tell the House something, I'm not sure that Tony Nigro can ever accept the money. I am not sure that there is any way of finding a route to give the man the money and to get him to accept it. This is one of those incredible cases—I believe there is one more in Sarnia—where all the money will sit there forever and the client, as it were, the injured workman cannot accept it.

The reason that Tony cannot accept it is twofold. First, the ministry has never recognized his worth through the years, he having suffered a crippling accident in the subway in the late 1950s. Secondly, the board drove the man to emotional distraction. The board did it as though it was a kind of premeditated determination that this human being would be singled out for abusive and indifferent behaviour on the part of the board. I don't know whether Tony Nigro will ever get justice from Ontario but it is a perfect example of what one is dealing with when one deals with the Workmen's Compensation Board. I have wanted to tell the minister that story for a very long time and I am finally glad that I have. And I don't know how it will ever get resolved—perhaps never.

When the minister talks about the board, he is talking about an institution so bureaucratic, so monolithic, so inflexible and so self-impressed that it is very hard to put it effectively into words. They process a

great many claims. Michael Starr is a lot more accessible than his predecessor. The board is generally efficient but I still haven't seen evidence of the civilized human behaviour which time after time gives to the workmen the benefit of the doubt. I don't want to go into the cases again. I want to finish up. I've raised with the minister in the Legislature and outside the case of Elizabeth Butler in Windsor who has or had a seriously respiratory condition induced by working in the tunnel between Windsor and Detroit and the great difference of medical opinion.

I pick up the Workmen's Compensation Act and I see section 22, subsection 1, which says:

The board may, on the application of either of them [that is, the workman or the employer] or of its own motion, refer the matter to a medical referee.

Here we have three Windsor doctors who say she had pulmonary problems and one board doctor that says she didn't, and the board will not allow a medical referee. That is so typical of the board it is again inalterable.

I have raised with the minister, and we have discussed it, the story of Normand Carriere, who is about to lose his home, and is seeking residence in a mobile home, because the board would not commute the pension for an amputation which was performed as a result of an accident.

Again, no matter how often I read it, no matter how often I think about it, it is not possible for me to comprehend the way these Solomons sit at the board and make judgements about what is good for people when the judgements are effectively destructive of the people with whom they are dealing.

A first-rate young family, which could have kept its house, whose father has gone off and got himself a certificate which will allow him work at \$8 an hour as a welder if he can get it, who has trouble with his prosthesis and is therefore not guaranteed full-time employment, into works as hard as he can—this family is in the process of disintegration because this board couldn't commute the pension. All of the reasons are as much sophistry as only certain groups are capable of.

The legislation is not retroactive, as it should be, in terms of providing the base of which my colleague from Windsor West spoke. The legislation is wrong and cruel to the widows of those who have died, particularly from occupational disease. The legisla-

tion is wrong in its inability to reflect the increases on an indexed basis so that all of those at the board who feel discriminated against can be dealt with.

The legislation is wrong because it does not require the board's intervention to seek out causes of disability and death, rather than waiting for them capriciously to be processed by the board. The legislation is wrong because it insists on only 75 per cent compensation when there is no earthly reason in the world why a man or a woman should earn less just because they have the misfortune of being injured on the job.

The legislation is wrong on so many aspects that our opposition to the bill comes not only from what is in it and what is out of it, but from a basic social conviction that it is time we did away with the Workmen's Compensation Act and the whole Workmen's Compensation Board in Ontario and provided a programme of social insurance for sickness and disability on and off the job which would cover everybody in the province, with employee and employer contributions to fund it, and without the endless need in difficult cases to drag themselves before the almighty board in sackcloth and ashes to wait to hear the judgements of those who are profoundly mortal but who judge with very little sensitivity, compassion or perception on the cases that are always most marginal and most needful.

I really would have wished that the board would work, but after 12 years in this Legislature, and after talking to all my colleagues, I do not know how long. The New Democratic Party has simply come to the conclusion that the Workmen's Compensation Board will work as a stopgap, but it will never really give to people what they are entitled and there is too much humiliation involved in dealing with that board.

Therefore, a social insurance policy for sickness and disability on and off the job is what is required, just as health insurance works, just as automobile insurance should work and just as the insurance principle should apply, rather than the principle of proving, in the fact of suspicion, indifference and opposition, your right to a legitimate claim, a legitimate pension and, therefore, a legitimate life. That is why we are voting against the bill on second reading.

**Mr. Speaker:** The member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I want to involve myself in the discussion of Bill 106, An Act to amend the

Workmen's Compensation Act. I must admit I don't have a lot of requests for assistance in workmen's compensation—not that I would call very many—but the ones I do have are very frustrating.

I suppose supporting this bill — I don't know, it's a problem the Opposition has at times in supporting something the government brings in which is better than it was but it's not nearly perfect. One always has to weigh which way one should go on a matter such as this. I think there is going to be a change in government and maybe it's the opportune time to vote against it and when the new government comes in we can revamp the whole operation. However, they might hold off the election for a year or a year and a half. I am not sure the Premier (Mr. Davis) will call an election this year now with some of the problems around. I would imagine it would be called either in two weeks or next year.

I was looking over some of my files with regard to compensation and some of the benefits in the bill. When the minister has to bring a bill in—I recall only a year ago we supported the bill which at that time increased some of the benefits. I think it was reluctantly done, too. These really should be tied in to the cost of living under all circumstances and that way the minister wouldn't be coming back to the Legislature to have the Act amended.

I think of a case I have had on the go for years actually. I'll refer to it as claim C6723779 and this is a case of a person in a propane gas explosion who had considerable burns on his arms and face and so forth. He was paid benefits for a while but as his condition improved he was able, of course, to go back to work at a different job, but the ramifications of the accident are still with him. They've been there and I expect they will be with him for life. Yet it's impossible to get the doctors to agree there are certain things a person has happen to him which

affect his nervous system. I am sure that is one way they probably try to avoid making a payment.

I look back to one case I had probably six years ago. The person had appealed it to two levels, I think, if I remember correctly at that time. It was referred to a former member he knew, and the former member, Mr. Reaume, referred it to me. We made representation for him and made arrangements for an appeal to the board.

An interesting thing was that before we went before the board, the secretary asked me to go in and speak to the board privately. They said, "We feel there may be some conditions affecting this case—nervous conditions and so forth—and they may cause some of the problems."

I said, "If you knew this gentleman and knew the way he had worked in the past 15 or 20 years, the progress he had made acquiring a home, even a second home. And then have that all lost so that he turned the one home over to his son to take over the payments for it; he moved into the third storey of the other one which he had been renting out so he could rent out the two floors below him. When you walked in, you could hold your head up while you walked through the centre of his room but when you went back far you had to bend over because it was an attic. If you had to go from those living conditions he had been used to to this, with a \$44 monthly pension, I could understand it would cause anybody problems." I said, "It would cause me and my wife problems if we had the same thing happen." We then went before the board and we were successful in receiving the proper benefit.

Maybe, Mr. Speaker, I should adjourn the debate.

It being 6 o'clock, p.m., the House took recess.



## CONTENTS

Thursday, June 26, 1975

Summer events at Queen's Park, statement by Mr. Welch .....	3383
Mopeds, statement by Mr. Rhodes .....	3383
Grants to church-related universities, statement by Mr. Auld .....	3384
Reforestation programme, statement by Mr. Bernier .....	3384
Planning review committee, statement by Mr. Irvine .....	3386
Inquiry into dump truck operations, statement by Mr. Rhodes .....	3387
Planning review committee, questions of Mr. Irvine: Mr. R. F. Nixon, Mr. Lewis, Mr. Singer .....	3388
Energy prices, questions of Mr. Timbrell: Mr. R. F. Nixon .....	3389
Gun control, questions of Mr. Clement: Mr. R. F. Nixon, Mr. Deans, Mr. Singer, Mr. Shulman, Mr. Roy .....	3391
Energy prices, questions of Mr. Timbrell: Mr. Lewis, Mr. R. F. Nixon .....	3392
Medical care insurance, questions of Mr. Miller and Mr. McKeough: Mr. Lewis .....	3393
Payments to retarded and physically handicapped persons, questions of Mrs. Birch: Mr. Lewis .....	3394
Conestoga College, questions of Mr. Auld: Mr. Lewis .....	3394
OMERS pension benefit, question of Mr. McKeough, Mr. Good .....	3395
Assessment Act changes, question of Mr. McKeough: Mr. Shulman .....	3395
Contingency retainers, questions of Mr. Clement, Mr. Singer .....	3395
Health hazard for grain handlers, questions of Mr. Miller: Mr. Foulds .....	3396
Purchase of railway land in Erieau, question of Mr. Bernier: Mr. Spence .....	3396
Timagami mine expansion, question of Mr. Bernier: Mr. R. S. Smith .....	3396
Service station employee dismissals, questions of Mr. MacBeth: Mr. Roy .....	3396
Home ownership made easy programme, questions of Mr. Irvine: Mr. Deans .....	3397
Strike at Telso Products Ltd., questions of Mr. MacBeth: Mr. Ruston .....	3397
Fresh meat shipments, questions of Mr. Miller: Mr. Stokes .....	3398
Inquiry into dump truck operations, question of Mr. Rhodes, Mr. P. Taylor .....	3398
Mine worker protection, questions of Mr. Bernier: Mr. Martel .....	3398
Payments to doctors, questions of Mr. Miller: Mr. Good .....	3399
Report, standing private bills committee, Mr. Ewen .....	3399

---

Resolution re Management Board of Cabinet .....	3400
Resolution re Ministry of the Environment .....	3400
Motion, re estimates of Ministry of Culture and Recreation, Mr. Winkler, agreed to ..	3400
Motion re adjournment of House, Mr. Winkler, agreed to .....	3400
Highway Traffic Amendment Act (Bill 127), Mr. Rhodes, first reading .....	3400
Public Lands Amendment Act, Mr. Bernier, first reading .....	3401
Highway Traffic Amendment Act (Bill 129), Mr. Rhodes, first reading .....	3401
Workmen's Compensation Amendment Act, Mr. MacBeth, on second reading .....	3401
Recess .....	3426



# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, June 26, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 26, 1975

The House resumed at 8 o'clock, p.m.

**Mr. Speaker:** When we rose at 6 o'clock, we were considering Bill 106, An Act to amend the Workmen's Compensation Act.

## WORKMEN'S COMPENSATION AMENDMENT ACT (concluded)

**Mr. R. F. Ruston (Essex-Kent):** Thank you, Mr. Speaker. I was mentioning claim No. C6723779 and the length of time, as I see it anyway, that it has been without a proper solution; it is rather frustrating.

We passed a new bill here the other day, the Ombudsman's bill, and although I don't suppose he would be involved in workmen's compensation claims until the appeal procedure has gone through all three stages, I suppose a number of people will be contacting him in some cases where they feel they've been aggrieved against.

Another problem that I've noticed is that the time from when claims are accepted until payment is made can run into a number of weeks and people can find themselves in pretty bad situations.

I was in one of the towns in my riding a week ago last Saturday—

**Mr. E. J. Bounsall (Windsor West):** Mr. Speaker, on a point of order. I am sorry to interrupt the member, but I don't believe we have a quorum. I'd like to determine that.

**Mr. C. E. McIlveen (Oshawa):** How can the member be so stupid?

**Mr. R. Haggerty (Welland South):** We surely have enough members here in the Legislature and in the committees.

**Mr. Bounsall:** Not so.

**Clerk of the House:** There is not a quorum.

**Mr. O. F. Villeneuve (Glengarry):** One short.

**Mr. McIlveen:** The member for Windsor West hasn't changed.

**Mr. Speaker** ordered that the bells be rung for four minutes.

**Mr. Speaker:** The hon. member for Essex-Kent may continue.

**Mr. Ruston:** Thank you, Mr. Speaker, if I have many more interruptions I think I'll call it a day.

**Mr. R. D. Kennedy (Peel South):** Do that.

Interjections by hon. members.

**Mr. G. Samis (Stormont):** He got a reaction.

**Mr. Ruston:** That woke up the backbenchers over there, the ones they bring out of the wall and so forth. Out of the woodwork they call it, I guess.

Interjections by hon. members.

**Mr. Speaker:** Meanwhile, back on the bill.

**Mr. Ruston:** I think there was one other time, not too long ago, Mr. Speaker, when we had someone call a quorum when I was speaking. I'm beginning to have an inferiority complex, if I can't maintain a quorum when I'm speaking. I'm not sure if it's just the time but it makes one wonder.

**Mr. A. J. Roy (Ottawa East):** We come running when we know the member is speaking.

**Mr. Ruston:** What I was saying, Mr. Speaker, was about the length of time it takes to get payments. I recall a week ago being in one of the towns in the riding on a Saturday. A person had been collecting workmen's compensation and apparently something went wrong with his payments. He said he had waited for two weeks past the date they were due and rather than call me he put a direct call through to the Workmen's Compensation Board office and told them that if they didn't get his cheque down here pronto he was going to see his local MPP. I'm quoting his words. They said, "Whatever you do, don't do that. We'll get it right out for you." Apparently he got it the next day. Anyway, that is just one of the things we run across and it kind of frustrates not only us

but also those who are waiting for the payments.

I would think the worst feature of the new legislation is the 10 per cent increase in pensions paid to dependent widows. The dependent widow's pension will be raised to \$286 a month or \$3,400 a year which seems totally inadequate. There were 376 fatal claims in 1974 and it would appear to me that to bring it up to a more respectable amount would not be all that expensive and it would be much better for those receiving it, of course.

The burial allowance has been raised from \$500 to \$600, which seems a little on the modest side and perhaps should be a little higher, also.

I'm interested, Mr. Speaker, and have been interested for some time—I recall a number of years ago when the then member for Niagara Falls, Mr. Bukator, brought in a private member's bill which would have had coverage for a person injured while at work or off the job. I have often thought that was a good principle because sometimes the line between getting hurt at work or having a minor accident in the home which causes sickness or the inability of the workman to go to work—who do you assess the charge to, whether it was actually on the job or off the job? If we could combine this I think it would be a great asset for our workers and would give them a great sense of relief to know that they were covered at all times. I think that is something which should be looked into.

Of course, we do have benefits. Many contracts have them and the payments are quite adequate; they have sickness and accident insurance. But many people do not have that at their place of employment and if anything happens and they are not able to work, through sickness or an accident which takes place off the job, of course they could be in bad straits financially.

Mr. Speaker, that's about all I have to say. I think the board hasn't responded as well as we would have liked in the last couple of years. I am sure there have been some improvements but it hasn't improved the way it should have and there is no doubt it needs a complete overhaul. If we had a combined benefit for off-the-job and on-the-job protection, I think that would be the best thing I can think of to solve this whole problem. Thank you.

**Mr. Speaker:** The hon. minister.

**Hon. J. P. MacBeth** (Minister of Labour): Thank you, Mr. Speaker. I will be brief in

my reply. The arguments put forward by the opposition tonight are similar to the arguments put forward last year. I understood what they were saying last year and I think I understand what they are saying again tonight.

Of course, my arguments in reply would be much the same as those I made last year with the exception that during this past year some of the suggestions, as I said earlier, made by all sides of the House—by the official opposition and the members of the New Democratic Party, as well as our own party and our staff—have been taken into consideration. What members see is the bill. I know the members of the opposition have all taken the stand that is doesn't go far enough. This is one of the difficulties and responsibilities which lie with being the government. It's easy to say give more but there is a responsibility to be reasonable and just to the people who are paying the bill. We think we have come up with a reasonable and just bill considering all of the factors involved.

The Workmen's Compensation Board of the Province of Ontario, despite what some members have said, is doing a good job. The bill and the Act we are working under with these amendments will be again the leaders in Canada. I know I have been criticized for saying this and I am not saying it beating my chest in any way; I don't ask that it be generous; I just ask that it be fair. To suggest this bill and the Workmen's Compensation Board payments are substandard in any way, I point out to members they are as good as they will find anywhere in Canada. There are two possible exceptions to that and those are British Columbia and Alberta where they do have some greater benefits, depending on the wages the person is making, in regard to dependents' allowances. When I say they are greater, they are not greater in all cases and they are not greater by any large amount. They have quite a complicated system, particularly in Alberta, for working that out.

I couldn't help but be impressed by the force and sincerity of the argument from the member for Scarborough West (Mr. Lewis). I know he is sincere when he says what he was saying this evening and he has been in touch with me about some of the cases he mentioned. Some of the cases are new to me this evening. As I say, I couldn't help but be impressed with the sincerity of what he had to say. Naturally, because of his position he has brought to him many difficult cases.

The trouble is we can't draw the law on the worst of the hardship cases. We have to



come out with some kind of average. He asked me, when I announced the amendments to the bill, what about the amount for widows, and I suggested to him at that time that it wasn't generous; that in some cases it would be quite sufficient, but there would be hardship cases. I can't, nor can the government, draw the law around the hardship cases. It must come to some sort of average position and that's what we have tried to do.

There are some 443,000 injuries reported per year to the Workmen's Compensation Board. These injury reports of, as I say, almost half a million, are dealt with by people. Since they are dealt with by people it is not surprising that some of them go astray and that some wrong decisions are made. It is the work of the board to try and straighten some of those out. I would point out to members that some 40 per cent of the claims—the cheques in settlement of them—are sent out within four days after the papers are received.

As I say, that is a pretty good record, I think. Naturally we get some in the other 60 per cent which take somewhat longer and some longer than they should. As I say, the board has come a long way, I think, under the leadership of the hon. Michael Starr and in its new quarters is getting its procedures down to the point where it is handling these claims more expeditiously. It has an enlarged staff who, I think, are able to handle them in a more efficient manner.

As I say, we can't let the difficult cases be the guide and the criterion on which we make all the payments. I could wish, as the member for Scarborough West suggested, in some cases that the board should have more discretion; that perhaps it could look at difficult cases and cases of hardship and decide that in this case we should increase the allowances.

That is a wish I put aside a little bit lightly for the simple reason I am not so sure members would want the board to have that kind of discretion. There are a few places in the Act tonight where already members have suggested that "may" should read "shall." There are some cases where members argue it should have discretion and in the next breath they say it shouldn't have discretion.

I don't think it would be advisable that the board—certainly not the minister—should have discretion to decide what payments should be. I think it is right that the legislation sets the standard for that, but there are times when I could wish that claims such as the one the member for Scarborough West mentioned should have received a little more

flexibility and the board would be able to say, "In this case, we will pay a little bit more."

Most of the criticism has been that we don't go far enough. I ask the members, what are the right amounts? I am sure when the amendments come along they will all have some suggestions as to what the right amounts will be. I would like the members to consider for a minute some of the cases they have already discussed today.

Here is a person the member says has died of cancer caused by the work place prior to the realization that it was a cancer claim. This woman was receiving only the Canada Pension.

There are many people who die of heart attacks in automobiles and from many other causes who do not have the benefits of workmen's compensation. I ask the members, what is the difference between a widow whose husband, having the same employment, dies of a heart attack and the one who dies as a result of some injury suffered in that place? We will all agree there is an unfairness there.

I was impressed, as I was last year during the estimates, when we discussed the estimates of the Workmen's Compensation Board—or discussed the annual report—and the member for Hamilton East (Mr. Gisborn) has made the suggestion again tonight, as have some others, that perhaps we should have some national sickness claim. I think that is the only way **we will get around the problems of the two widows living side by side and trying to decide what is right for one and what is right for the other. Remember the widow whose husband dies of a heart attack and the widow whose husband dies in the normal course of his life at the end of a work period when he is on pension from a company and the pension cuts off at his death—maybe he was not even on a pension—these widows and dependants are the ones who, through the products they buy, are helping to pay for the compensation the widow living side by side with them, whose husband died as a result of a work accident, is receiving.**

It is hard to decide what is the right amount a widow or any dependant should receive. **I would remind members that they do receive the Canada Pension if they have been working a reasonable time and that can depend on their earnings. It can depend on the number of children. Remember, too, when we are talking about the amounts we are suggesting for a widow in addition to that she is entitled to \$77 for each child and if that child is still in school that can go for a considerable time. So it's not just the one**

sum she receives from the board; she has possible additional income as well from one source or another from the various levels of government. So it's hard to decide which is the right amount.

The member has been critical of the 75 per cent and says that's not acceptable. All I can do is repeat the argument that I've repeated before and, although he says they are not valid arguments, I suggest to him that they are quite valid and reasonable arguments.

First of all, it is non-taxable. The member for Windsor West points out that, again, using the exceptional cases rather than the average case, there are cases when the person would be better to be taxed. I agree; but again, we can't make all of the cases and all our payments based—if we're going to have a general law—on the worst example. And that's what, with reason, the opposition is asking us to do; not base them on the average, but base them on the worst.

**Mr. Bounsall:** Those weren't the worst examples. I will go through them step by step; table by table if the minister wants.

**Hon. Mr. MacBeth:** No, I'm not suggesting the member do that. All I'm saying is there are many cases where the person is, particularly on the increased proposal from \$12,000 to \$15,000, far better off not being taxable. One of the other reasons we say the 75 per cent is reasonable is that there are, for the most part, no expenses as in going to work. If a person is going to work, they have to dress a certain way; they have automobile expenses; they may have parking expenses; they may have to buy their lunches, which they can generally get at home at a more reasonable price. That is just one minor point.

I think that one of the major points, and the point I want to emphasize tonight is that these pensions, sir, are payable for a lifetime. They don't stop when you retire from work, or when you're fired, or anything else, as the ordinary man's pension does. They go on day after day as long as the person lives. And, as I say, in some cases there is a Canada Pension as well.

We've also been criticized for not indexing these. I think our position on that is that indexing is a source of inflation in itself. And I would also remind you, in connection with this, that these are statutory payments that are put up by legislation and they don't go down if, as and when there is some drop in the cost of living. These payments stay

where they are until some government decides to put them down.

It was my understanding that during the depression years there was very little adjustment made in connection with the Workmen's Compensation pensions, and that those pensions stayed up at that time. I'm not trying to suggest to the opposition, or any member of the House, that I think we're about to see the cost of living coming down. But, at the same time, over the length of years, I'm sure that it will drop back from time to time. I'm sure that these pensions will not be lowered by the government of the day unless there is some drastic decrease in the cost of living.

So, there is more than one side in this business of indexing. I think we are taking the right stand in connection with it; that it becomes a matter of government discretion, government policy; that it's not adding to inflation. The chances are that it is more secure not being indexed than it would be if it was indexed.

**Mr. Speaker,** those are just a few of the points that are covered. Many of the arguments were given last year, and my replies were given last year. I'm sure that some of these points will arise again as we move into committee of the whole to discuss them at that point. Thank you, sir.

The House divided on the motion for second reading of Bill 106, which was approved on the following vote:

AYES	NAYS
Allan	Bounsall
Beckett	Burr
Belanger	Deans
Bernier	Dukszta
Breithaupt	Foulds
Brunelle	Germa
Carruthers	Lewis
Clement	Martel
Downer	Renwick
Eaton	Samis
Edighoffer	Shulman
Evans	Stokes
Ewen	Young—13.
Gilbertson	
Good	
Haggerty	
Havrot	
Henderson	
Hodgson	
(Victoria-Haliburton)	
Irvine	
Kennedy	
Kerr	

## AYES

Lane  
 MacBeth  
 Maeck  
 McIlveen  
 McNeil  
 McNie  
 Meen  
 Morningstar  
 Morrow  
 Newman  
   (Windsor-  
   Walkerville)  
 Nixon  
   (Dovercourt)  
 Nuttall  
 Parrott  
 Potter  
 Root  
 Roy  
 Ruston  
 Scrivener  
 Smith  
   (Nipissing)  
 Snow  
 Spence  
 Taylor  
   (Prince Edward-  
   Lennox)  
 Turner  
 Villeneuve  
 Walker  
 Wardle  
 Welch  
 Winkler  
 Wiseman  
 Worton—52.

**Clerk of the House:** Mr. Speaker, the "ayes" are 52; the "nays" 13.

**Mr. Speaker:** I declare the motion carried.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Do I understand that the bill is to go to committee of the whole House? So ordered.

**Clerk of the House:** Order for committee of the whole House.

# WORKMEN'S COMPENSATION AMENDMENT ACT

House in committee on Bill 16, An Act to amend the Workmen's Compensation Act.

**Mr. Chairman:** Are there any questions, comments, or amendments to section 1?

Shall section 1 carry?

On section 1:

**Mr. R. Haggerty** (Welland South): I would like to ask the minister a question on section 1 which says "A member of a volunteer fire brigade or a member of municipal volunteer fire ambulance." If I interpret that right, it means that any person taken in the fire department, perhaps for instructions as a future volunteer fireman or paid fireman, will be covered. He only acts as a volunteer—is that right, in section 1?

**Hon. J. P. MacBeth** (Minister of Labour): Mr. Chairman, in section 1—

**Mr. Haggerty:** He's a learner.

**Hon. Mr. MacBeth:** The fact is the volunteer ambulance brigade is already in there, but it was put in later on and you will see where it is deleted. The new part we are adding, and we are bringing it all under a new subsection (ha) to make it alphabetical, covers the auxiliary members of a police force and those people who assist in any search and rescue operation at the request of and under the direction of a member of the Ontario Provincial Police force. The ambulance people were in before.

**Mr. Haggerty:** Aren't the Ontario Provincial Police auxiliary policemen covered in it now? I thought they were.

**Hon. Mr. MacBeth:** Some are and some aren't, as I understand it. This allows them to bring in municipal auxiliary forces.

**Mr. Haggerty:** The words I am questioning are "and includes a learner and a member of a municipal volunteer fire brigade." Why not put the word "apprentice" there?

**Hon. Mr. MacBeth:** I really can't give an answer to that, Mr. Chairman. I think maybe the word "learner" is broader than apprentice. Apprentice might have some narrower meaning, I would suggest, with the trade unions. I think a learner is a broader word. I may get some information on it if you will just hold on a minute. I gather that what I have said is right; they regard learner as broader than apprentice.

**Mr. Chairman:** Shall section 1 carry?

Sections 1 and 2 agreed to.

On section 3:



**Mr. E. J. Bounsall** (Windsor West): I have a question on subsection 2, Mr. Chairman.

**Mr. Chairman:** Subsection 2.

**Mr. Bounsall:** The question relates to the dependent common-law wife or husband. I think it's due to the wording of the Act when, in committee, in December, 1973, I think it was, in trying to clear up the "in loco parentis" in subsection 6 of section 36 of the original Act, we perhaps should have made these sections a little clearer.

I just want to ascertain from the minister that if there is a dependent common-law wife or husband receiving a compensation under this section—that would be, of course, the common-law wife or husband who qualifies under the Act to receive the widows' or widowers' pension—if there is someone receiving that, does he or she receive the monthly payments for the children as well? That's basically my question. Can the minister answer that quickly?

In section 6, it seems to take out the "in loco parentis" which refers to children, and I can see that they can't be both common-law wife or husband and someone acting in loco parentis. I'm afraid that the children might get lost in the shuffle and it doesn't seem reasonable. I just wanted an assurance from the minister and from the board that the children of the common-law widow or the common-law widower would, in fact, continue to be covered.

**Hon. Mr. MacBeth:** I understand they will be covered.

Section 2 to 4, inclusive, agreed to.

On section 5:

**Mr. Bounsall:** I have some comments on section 5, Mr. Chairman. I have an amendment I'd like to place to section 5, Mr. Chairman, and perhaps I could place that amendment and then speak to it.

**Mr. Bounsall** moves that section 5, subsection 41a(1) be amended by (1) deleting in line three the number "2" and substituting therefor the number "6"; and, (2), by deleting in line five the number "4" and substituting therefor the number "12"; and (3), adding after "1974" in line eight the words: "and thereafter adjusted annually by the same percentage as the per cent change in the consumer price index."

**Mr. Chairman:** All those in favour—

**Mr. Bounsall:** Mr. Chairman, can I speak to that? This was one of our four major

objections to the bill—that when the revalorization principle was brought in by the board last year and they affixed the revalorization of the pensions as two per cent from the years 1946 up to and including 1971, with four per cent for the years 1972-1973, that percentage increase in those pensions totalled 60 per cent and was exactly one-third of the consumer price index increase over those same years. The consumer price index increased by 180 per cent over those years, and the total adjustment to the pensions amounted to only 60 per cent.

For years, this party has fought for an adjustment to those pensions so that a worker who was injured in 1952 would not still be receiving the same pension he received in 1952 and so through those years.

When the Workmen's Compensation Board decided they could make an adjustment to those pensions, they did not adjust it by an equitable factor at all. The sum total of the cost of making that adjustment to employers only, was equal to 0.01 per cent of their payroll, a negligible adjustment and a negligible cost to the employers in this province on the average.

To have adjusted those pensions to the amount that would fully index them to the cost of living, it should have been done by a factor three times what it was, which would have resulted in a total increase of only 0.30 per cent in the employers' payroll on the average. The charge to the employers was so minuscule as to be almost unbelievable that the board would worry about the cost and not have made the proper adjustment.

We then have this bill, Mr. Chairman, which comes along and purports to add the full, correct consumer price index for the year 1974 to increase the pensions by the same percentage increase as the consumer price index has increased. However, if we accept that, which is reasonable for the year 1974, it is obviously tacked on to a base that is unrealistically low—a base which should have been adjusted—by only one third the proper amount.

Bearing in mind that it would cost the employers so little to have that correct adjustment made, this is the time that we should make that correct adjustment. This amendment would make that correct adjustment by changing each number there by a factor of three—two per cent to six per cent for the years prior to and including 1971 and from four per cent to 12 per cent for

the years 1972 and 1973. In the clause itself you have 10 per cent for 1974.

In order that there be no doubt about the fact that these pensions will be increased regularly in the future, I've also added, after 1974, the words, "and thereafter adjusted semi-annually by the same percentage as the per cent change in the consumer price index."

In respect to how the pensions should have increased over the years, that would make them correct in the sense of keeping in step with the consumer price index. We would accept that as a start, even though we feel that the Workmen's Compensation Board pensions should not be viewed as a charity or as any sort of a handout but as a replacement for their earnings lost because of the injury; therefore, they should reflect not just the consumer price index but the better factor by which it should be adjusted, the per cent increase in salaries and wages.

However, that has taken a tremendous jump over those 30 years. In fact, the percentage increase in salaries and wages in Ontario is 453 per cent. Philosophically, I feel that should be the percentage by which those pensions should be adjusted because it is a pension which should be geared to take into account the lost earnings because of the industrial injury. For the moment, Mr. Chairman, we would settle for at least that amount which makes the percentage increase equal to the consumer price index so hopefully the buying dollar of the pension will not be continually eroded year after year as it has been in the past.

I don't know how we can impress this upon the minister any more than by this argument—that he should make this adjustment, bearing in mind that the cost is so little. When I say this, I am fully aware that if you have done your calculations correctly for this year, the cost to employers in the province for those other changes made this year—the \$108.2 million indicated in the minister's release—would increase the assessment to the employers in this province, based on their 1974 payrolls—we would have to guess at what their 1975 payroll costs are—by 0.6 per cent.

What we are saying is that to fully adjust it for all those years back to 1945, by the consumer price index, simply based on 1974 figures, would add another 0.2 per cent. It is such a small amount and so much justice can be done by adding that to it. Bearing in mind the inflationary costs employers have experienced over the last two or three years, this is a real bargain for them. The cost of

Workmen's Compensation Board assessments as a percentage of their payroll is the best bargain they have had over that entire period.

We had a 0.1 per cent increase last year to their employees payroll; we have a 0.6 per cent this year based on the 1974 payroll; and what we are suggesting to you is to add another 0.2 per cent to their payroll costs to fully place the pensions in the amounts they should be for those entire years.

It is so small that I can't understand why the board doesn't grant it. This is the year in which to grant it, of course. It is an election year and you would be heroes to your Workmen's Compensation Board recipients for the first time in a great many years.

Another interesting factor we hear from time to time is the suggestion that some provincial tax money should be added to the Workmen's Compensation Board programme so that pensions could be paid in an amount equal to the consumer price index, so that pensions could be properly adjusted. Those people who make that suggestion have never seriously looked at how small those payroll percentage increases would be to the employer.

There is absolutely no need for any public tax funds to be involved in this workmen's compensation programme. They are sufficiently small that we do not even need to give that idea a second thought. It is so small that it would not disrupt to any great effect at all the costs of goods and services provided by those industries. The payroll cost is only a portion of the total cost of an employer and we are proposing by this amendment to increase that payroll cost by only 0.2 per cent. That is what this amendment would do.

I can't suggest any more strongly than I have that this should be done. I am fully aware that this is the first time in the bill it comes up. There are other sections of the bill in which this amendment should be included and will be included without further debate on it, I am sure. I am fully aware in this section itself there is a step forward if I interpret the bill correctly and perhaps the minister could comment on this. This purports to adjust the compensation rate. Last year we adjusted the pensions by the particular value stated. This year this particular amendment of section 5 takes the compensation rate—that is, of someone who is on full compensation—and adjusts it. That should have been done last year. It is being done this year but both of those need to be adjusted so that the compensation and the pensions are adjusted by the proper percentage increase, that



percentage being the per cent increase in the consumer price index.

**Mr. Chairman:** Does anyone else wish to speak on the amendment?

**Mr. E. W. Martel** (Sudbury East): Mr. Chairman, I guess I have spoken to this amendment or a similar amendment for the last three years in respect of what this government does. On the one hand it sends the Minister of Community and Social Services (Mr. Brunelle) to Ottawa to negotiate with the federal government on escalator clauses and intentions. He carries the torch to Ottawa on behalf of the province, demanding that the federal government introduce escalator clauses. Yet, wherever this government itself is responsible for payment, whether it be to recipients of family benefits or to those under the Workmen's Compensation Act—the two areas in particular where this government is responsible—they don't adhere to their own espousing of what they want Ottawa to do.

I have always found that strange about this government. It's the Minister of Community and Social Services who has gone to Ottawa to lead the battle on behalf of the province. In the Canada Pension Plan it was an escalator clause and in respect of old age security it was an escalator clause. Yet where it is responsible as a government, both in family benefits and in workmen's compensation, this government has shied away. What type of postulating do you call that where you have the effrontery to go to Ottawa and demand that?

It's strictly a political game these Tories play continuously. They try to put Ottawa in a position where they fight elections on federal issues. The minister shakes his head and says no. How does he justify it then? The government demands Ottawa introduce these types of escalator clauses where it has the responsibility in these two areas yet it doesn't adhere to that policy. What in God's name gives, where the government can do that and do it with the effrontery it does and then come back here and constantly refuse to put escalator clauses into the Workmen's Compensation Act, whether it be the pensions or the amount that it is paying in total temporary disability benefit or in family benefits? I just can't understand it. We'll have the minister stand in a few moments and he'll give us some weak-kneed excuse about how it's going to cost the employers too much.

I want to tell you when you go to Ottawa and demand more in the old age pension—and I am not opposed to it, naturally the employers are going to pay a portion of it.

I realize it's going to cost the taxpayer more and I have no objection to that either. But how in the government's own jurisdiction where it has the sole right to make that determination does it always come down four-square against it? It is sheer hypocrisy and it galls me to no end that the government can play with human life the way these people do. And you really do.

I know the Minister of Community and Social Services would like to have an escalator clause in his payments. He said over and over and over again in the estimates that he is trying for it. I believe him. But the government can't even get the Minister of Labour to agree that it's right, and not only this minister, but his predecessors.

I ask the minister to tell me how he justifies badgering Ottawa constantly for escalator clauses while where he is responsible he won't do it. He doesn't even advocate it.

I recall the debate during his estimates when we brought the Workmen's Compensation Board in that he wasn't in favour of it. He was concerned about what it was going to cost. My colleague who has spoken just before me makes the point. He's done very careful calculations on what it would cost. It seems to me if you are going to be consistent as a government in your philosophy of what you want others to do you must do it yourself or you must drop the sham.

I really don't know how the Minister of Community and Social Services can go to Ottawa and take that position and then not go into cabinet here or stand up on the Legislature floor here and say, "That's right. We demand it of Ottawa and we must be prepared to do it ourselves." You really must or it is sheer hypocrisy. I had thought I had another loophole on that one in what are the savings. My colleague says it's 0.2 per cent on the payroll.

**Mr. Bounsall:** That would do it.

**Mr. Martel:** That's a magnificent sum, isn't it? That is a magnificent sum. I'm waiting with bated breath for the Minister of Labour to tell me how they, as a government, take one position when in Ottawa and one position here when they are legislating.

**Mr. Chairman:** Do any other members wish to speak on the amendment? If not, the minister.

**Hon. Mr. MacBeth:** Yes, Mr. Chairman, thank you very much.

This is one of the new principles in the bill, in this section. Previously we had granted this for permanent disability but there are people



who are on temporary disability who might be waiting for a final assessment of their claim and who, by the previous legislation, were not allowed an increase. Maybe they were stuck over the last two or three years, depending on the length of time prior to their going on to permanent disability or, of course, coming off completely. They were stuck at the figure they were earning at that time. This is a new principle which extends the escalation to temporary disability, and that point, we think, is a good thing. What we did last year for the permanent disability has worked out reasonably well.

I can't give you any additional arguments to those I have already given you in connection with it. You are saying how can we go to Ottawa and suggest one thing and not follow the same thing here. That follows back on the argument which I accept but you people have not accepted—and we are each entitled to our own views on it—that when you are going to Ottawa and asking for increases in such things as old age pension—or when Ottawa does this—it affects the whole class evenly across the board.

**Mr. Martel:** Canada Pension?

**Hon. Mr. MacBeth:** The Canada Pension or whatever it is; it affects that class of people. Here we are coming and, as you say, it is charged to the employer. It's a very small amount in this case but that is not the point. You say it costs so little it is almost negligible in this case because there are not that many of these old temporary claims around. You could say, as far as this particular section is concerned, it's almost negligible.

Whether it costs a little or it costs a great deal is not the point; it's the principle involved. As I say, this sort of thing does not fall equally on a group of people. I ask you to consider and remember that workmen's compensation is in lieu of the old master-and-servant claims and it got rid of a cause of action at law.

If I had a motor accident some five or 10 years ago and had to sue for it, my settlement would have been made on the basis of what the going rates were five or six years ago. I would have received a lump sum payment based on certain computations and that amount would not be increased on a year-by-year basis to catch up with inflation. Similarly, with the person who bought some insurance for themselves, some kind of accident insurance for themselves. They had an accident five or six years ago and their payment for that would not be increased as inflation effects were felt. You are saying that those

people who've got workmen's compensation should get a cost of living increase.

**Mr. Martel:** What about Canada Pension?

**Hon. Mr. MacBeth:** We have made a compromise on this. We have come to a position somewhat in between. They are certainly far better off than the person who was on a private pension which would not increase at all. They are certainly better off than the person who settled a private law suit, but they are not tied in with the cost of living. Everybody pays this so regardless of where you—it's everybody paying for the benefit of a few and this is what I say is the difference between the two. You can shake your head all you want.

**Mr. Martel:** Could I ask the minister about Canada Pension then? The employer pays a portion of that and it is for a permanent disability whether on the job or from illness. Nonetheless, if it is on the job and the person is permanently disabled, the adjustment is made regularly and it was this government that asked Ottawa to do that.

**Hon. Mr. MacBeth:** That's tied in with earnings.

**Mr. Martel:** Where is the difference between Canada Pension and workmen's compensation?

**Hon. Mr. MacBeth:** That is tied in with earnings.

**Mr. Martel:** What do you mean, it is tied in with earnings? When he stopped earning—his capacity to earn stopped two years ago—he acquired the Canada Pension. This government went to Ottawa and asked the federal government to tie an escalator clause to the Canada Pension, which they did. That's the same as workmen's compensation, my friend. There is no difference, although you can get it for illness but you still can get it on the job and obtain a Canada Pension. Your earning power is assessed at the day you got injured on that occasion, but the escalator clause later takes effect and you are paid for that. You get the increase as the cost of living increases and it was this government in 1972 that asked for that.

**Hon. Mr. MacBeth:** Mr. Chairman, I am suggesting that there is quite a difference. Here are the people who are receiving workmen's compensation benefits who are somewhere in between those who are privately protected and those who may be getting benefits from Canada Pension or some other source that is tied in.

**Mr. Chairman:** We have Mr. Bounsall's amendment before us.

Those in favour of the amendment by Mr. Bounsall will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Do you agree to stack the vote?

Agreed.

**Mr. H. C. Parrott (Oxford):** Cannot do it; there are not five, there are 4½.

On section 6:

**Mr. Chairman:** Is section 6 agreed to?

**Mr. Haggerty:** No, Mr. Chairman, I wanted to ask the minister a question which deals with section 6, in particular subsection 1(5)—that's the impairment of the employee—which says:

Provided that he co-operates in and is available for a medical and vocational rehabilitation programme which would in the opinion of the board aid in getting him back to work, or accepts or is available for employment which is available and which in the opinion of the board is suitable for his capabilities.

I suppose that is the problem we are going to have with this particular section, which deals with light modified work or light duty work.

The point I want to raise with the minister particularly is in the period of lost full employment in the industry—and it could last for perhaps 12 months as indicated in this paragraph—would you consider that the board or some rules or regulations be applied so the company or the industry will pay for his Canada Pension plan? It will cost maybe \$180 a year or something like that; or \$1 a week. He is going to lose that much—perhaps one year—in contributions to the Canada Pension Plan. If anybody injured is on workmen's compensation nine times out of 10 he will end up on Canada Pension and, of course, if that isn't kept up for the period he loses it means he is going to get less in return when he applies for Canada Pension.

**Mr. Chairman:** Mr. Minister.

**Hon. Mr. MacBeth:** Mr. Chairman, we are concerned about that, too, but we think the proper place to adjust it is within the Canada Pension provisions. I understand the federal government is in the process of at least considering the change and may change it, so

that when they are on workmen's compensation they will not lose their contributions.

**Mr. Haggerty:** Will the minister also consider it with the matter concerning unemployment insurance? The same thing could apply there. As you know, and you are well aware, with the unemployment insurance you have to have so many periods of work within a year and it is usually a certain timetable they have. A person could be injured, say, in early February or something like that and he could be off work for six months. Perhaps he isn't going to be able to pick up a suitable job, like the one he had in the industry, and he is out of work until a job is found. Sure, he is perhaps going to pick up something under the scheme here—workmen's compensation. But, again, he may have to go back to unemployment insurance. If he doesn't have sufficient time in there, then he becomes disintegrated.

Perhaps it is a savings there for the workmen's compensation that he has the two schemes that he can draw on. In a case of emergency, sometimes it is well to have both of them. Some of the delay with the workmen's compensation is in getting a claim established and continuing the battle with them. It could be three or four months that he has no income at all.

**Hon. Mr. MacBeth:** Again, Mr. Chairman, I think that's something that the unemployment insurance people are considering and are prepared to act on, both on the pension and the unemployment insurance—so that when they are on compensation, their payments will be waived. Now that's the place to correct it and, as I say, I think they are prepared to do so.

**Mr. Haggerty:** Well, is your stuff presently working on this or has it made applications or written a letter to the federal government on this?

**Hon. Mr. MacBeth:** We have made representations to the federal government.

**Mr. Haggerty:** You have?

**Hon. Mr. MacBeth:** With these points, yes.

**Mr. Chairman:** Further discussion on section 6?

**Mr. Bounsall:** On section 6, yes. Mr. Chairman, there is one thing that bothers me about section 6, and that is the changes to subsections 1 and 5 of the Act—and that is the discretion that's allowed to the board. Perhaps the board people here tonight could indicate to the minister just how widespread



is their use of these particular provisions. The sections in the previous Act were very similar to them in that it allowed them to make adjustments.

My problem with this section is that it gives the board discretion in the amounts it will pay for the permanent partial disability. But it remains to be seen to what extent that discretion has been used to benefit the injured worker. And this is particularly in subsection 1 (5) of section 6:

. . . where the impairment of earning capacity . . . is significantly greater than is usual for the nature and the degree of his injury, the board may supplement the award for permanent partial disability, provided that the total sum of the award does not exceed . . .

And so on.

How often does the board determine that the impairment of earning capacity over the years has been significantly greater than the degree of injury—and the discretion allotted to them allows them to make those adjustments? How often over the years has this, in fact, occurred under subsections 1 and 5, where that discretion is given?

We have changed 5 so that it certainly reads better. They can now have a look at the injury and they can now have a look at his employability. They can say: "His degree of injury may be slight but his employability is nil, and we can now make that adjustment." But they were able to make a somewhat similar determination under the old subsection 5—it is just a little more clear to the board now how they can do it and to what they are to look. But in the past, how has the board acted in the discretion, which they already have under subsections 1 and 5? Does the minister know?

**Hon. Mr. MacBeth:** Mr. Chairman, the old section was for temporary injury and this new section is to allow this discretion for permanent injury. So the section that we put through last year, I think it was, was to allow the discretion in connection with temporary injury, and this is an extension of it to permanent injury.

I can't, of course, give you any figures for permanent, but I asked what the figures were for temporary. Mr. MacDonald does not know, but he thinks it's 2,000 or so cases. That figure we can get and give to you, where that discretion was used in the past year when they wanted to go beyond the old limit for temporary injury. But this, of course, is extending it to the permanent—with the same kind of discretion.

**Mr. Martel:** Is that partial disability?

**Hon. Mr. MacBeth:** Yes.

**Mr. Bounsall:** By the same token, in other years under this section for the permanent disability recipients, where the board considered it more equitable, the board may award compensation for permanent disability, having regard to the difference between the average weekly earnings of the employee before the accident and the average amount that he was able to earn after the accident. In each case, the board had the discretion to make those adjustments before we had this particular change to the Act. They could take 75 per cent of such difference of the earnings after the accident and the earnings before.

How thoroughly and how often did the board over the years, under the discretion allowed under the present section in the Act for permanent disability, make adjustments of that sort? Did the board do it automatically? I would be very happy if I knew that the board was looking up the previous earnings and doing it automatically. The board officials nod yes, so that's clear. I would have objected to the fact that one was never able to advance those earnings that they used to make, as the job which they held also increased in value, but the board did automatically make that adjustment and it was a law of decreasing returns. Time went on and it caught up to the old salary, and that was the finish of it.

I like this section better in that they can look at the difference between his earning capacity and his degree of employability. However, there is still the upper limit on it, I gather, in this section. The total sum of such supplement shall not exceed 75 per cent of his average weekly earnings during the 12 months immediately prior to the accident.

The board still has the upper limit on it. If the employability isn't equal to his injury, the board has the maximum on it still. It only pays up to 75 per cent of the difference between whatever time these things occur and what his old salary earnings were. If it was automatic before under the old wording and it is going to be automatic now, the board still has the same ceiling on it. Perhaps the minister can explain how it has changed then, how this is able to be more easily spotted and how in what sense then is this an improvement.

**Mr. Martel:** I would just like to ask the minister a question, I don't think I understand this section either.



What I read into this is that dependent on what a man's income was at the time of his injury, if he returned to partial work with a permanent disability, he could, in fact, return to work at a new job which would maybe be a dollar less over a period of a couple of years. As that dollar difference diminished, he would ultimately reach a point where his income would be as great as at the time he got injured.

I've argued before that what we've done is, we have penalized the man because his earning capacity, because of his injury, has not kept pace. Maybe three years later he is back to the same salary that he was earning at the time he was injured. I read that into this section. If it gets back to that level, the government loses the capacity to augment his income. I'm not sure if I'm right but I would think I am. I would ask for clarification.

**Hon. Mr. MacBeth:** The question I think you are asking is whether the figure you calculate the 75 per cent on is frozen as of the date of the injury. If you'll wait a minute, I will try to get the answer.

Mr. Chairman, I think I understand it.

No, that of course will be adjusted by those figures that we've been talking about—the two per cent over a number of years, the four per cent and the 10 per cent this year.

Does this answer your question?

**Mr. Martel:** I am not sure. Maybe I could explain again what I am looking at to see if this section covers it. If a man gets injured—let's say he was injured two years ago and he finally returned to work a year after. When he returned to work, he went back to light duty; there was a permanent disability and he was given so much money. His light duty work, in fact, would have been paid less than the rate he was earning at the time of his injury. After a year or so, with the raises that occur regularly, he reaches an income equivalent to what he was getting at the time he was injured.

Does this section authorize you to make a discretionary allotment to the man because he has now reached what he was earning previously but it might be 75 cents an hour behind the rest of his colleagues? Does this cover that particular type of case? That is what I am trying to get at. Mr. MacDonald says no, I believe.

**Hon. Mr. MacBeth:** I understand it doesn't.

**Mr. Martel:** It doesn't?

**Mr. M. C. Germa (Sudbury):** Mr. Chairman, I can't sit still without criticizing the bill in that regard. When a man, through his injury, is forced to go back to work at a lower rated job for the rest of his life he has to endure the loss of income which he would have acquired had he not been injured. That is precisely what you are building into the system. I know precisely what you are saying when you say that because I know a person intimately who is caught up in just such a problem.

A furnaceman in the smelter was injured and when he returned to work a year and a half later, he had to go back to smelter labour. Certainly, his loss of income was picked up by the Workmen's Compensation Board until such time as a smelter labourer's rate of pay reached the level that a furnaceman got at the time he was injured. Ever since that day, for the past 10 years, he has had to confine himself to being a smelter labourer whereas, he should be at a furnaceman's level.

Why should an injured worker have to suffer not only the indignity of loss of classification but also the hardship of loss of earning power through no fault of his own because the injury sustained on the job precluded him from going back to his original classification? I would like to hear the minister try to justify why, for the next 20 years, a person in that predicament has to suffer loss of income.

**Hon. Mr. MacBeth:** Mr. Chairman, it was suggested we might be building that in now. That is not the case. We are not changing the Act in any way in this amendment. That's already there.

In other words, what you are saying is that if the rate of pay for a certain category continues to go up, the assumption should be made that he was going to continue to work at that job and he should get some increase on a year by year basis, depending on what that job would otherwise pay. It is a pretty impossible thing to predict what a person may be earning next year or three years or four years from now. There is this freezing at the time the accident took place and I don't know how you get around it.

We are getting around it by the two per cent we have given, the four per cent and the 10 per cent and those are increased now. I don't think we can assume that the man is going to go on to a higher category or make any assumption of what he might have received if he stayed on the job. Now that's just an assumption that would be impossible

to make, and there has never been any attempt in the Act to do it.

Now, there is a change. This bill does provide, as you know, a change in the maximum from \$12,000 to \$15,000. The principle that is being changed here is that we are going back to look at those jobs on that revised maximum. In other words, as long as he is still on pension, if he was making \$15,000 then and the limit was \$12,000, we can now go back and pay on the basis of \$15,000—but it is still based on what he was making at that time.

**Mr. Germa:** Mr. Chairman, I think it is not as difficult as the minister tries to make out. If a man is in a certain classification today, whether he is a locomotive engineer with the Canadian Pacific Railway or a furnaceman in a smelter, it is reasonable to assume that he is not going to be downgraded. Let's say he has been on that particular job for five or 10 years and that he is a qualified railway engineer or a qualified furnaceman; it is reasonable to assume that he is going to remain as an engineer and a furnaceman. Why can you not build into the classification that this man, 10 years later, even though he has had to revert to a labourer's rate, a lesser rate, should be compensated at the present-day classification of a furnaceman or a railway engineer? That's where he would be had he not been injured; he would still be a furnaceman or a locomotive engineer. He wouldn't be a track man or he wouldn't be a smelter labourer. He would be driving his locomotive or he would be running his furnace.

What I am asking is, why should this man have to revert to a lower classification? Sure, we can't assume that he was going to get promoted from furnaceman or engineer, but at least we can assume that he wasn't going to be demoted. I am not asking for you to upgrade him or to give him a promotion. I am asking you to freeze him at the classification he was in when he was injured and pay him for that classification. But don't freeze him at a rate lower than he was getting at the date of injury.

**Hon. Mr. MacBeth:** Mr. Chairman, that's based on the assumption, of course, that he is going to stay in that job and stay with that same company and many assumptions of that kind, which the Act never contemplated and which we are not prepared to make.

**Mr. Martel:** Might I ask the minister why he makes that assumption, though? Why assume that a man with 20 years is going to

leave the company? If he gets a light-duty job frequently it will be with the same company.

**Mr. F. Young (Yorkview):** If he does leave, it's his own risk.

**Mr. Martel:** It's his own ball game if he quits, but as long as he remains with the company in a lesser capacity because of the injury, surely to God he should be at the level of income which he would have enjoyed had he not been injured. All we are asking is that he be entitled to enjoy the level of income that he would have earned had he not been injured, and subject to a demotion—well, there are not that many who get demotions, you know.

Some of us over here have been around industrial enterprises for a number of years, you know, and the number of demotions you see is minuscule. You might see people going up the ladder but you don't see many being demoted. On the CNR you can't go back to running a train. The only place you could be demoted would be to a fireman, and that job has become extinct. You must take your place—if you are a conductor, you can't stay as a permanent brakeman any longer.

When the minister talks about going backwards, that's ridiculous; now he throws another one in, that he might leave the company. If he leaves the company, that's a different ball game. He is going to a new job. We are saying that in terms of what he was earning at the time, as long as he remains in that company, he should be entitled to those benefits that his union will accrue for him. I think the minister's excuse is really flimsy.

**Mr. Chairman:** Shall section 6 carry?

**Mr. Bounsall:** No, Mr. Chairman. I'd like to add a few more remarks. This is the first time, in this particular amending Act that we have before us, where we have the 75 per cent appear. I think maybe I will make my amendment in regard to that 75 per cent and place the argument at this time.

Mr. Bounsall moves that section 6(1) be amended by substituting "100 per cent" for "75 per cent" in subsections 1 and 5 of section 42.

**Mr. Germa:** That sounds reasonable.

**Mr. Martel:** We find that agreeable over here.

**Mr. Bounsall:** Mr. Chairman. Yes, I find that a very agreeable amendment. It's the argument I put this afternoon on second



reading. There's no reason that I could see why this legislation does not allow the board to pay more than 75 per cent of the worker's earnings over the previous 12 months when that worker is injured, because the 75 per cent non-taxable earnings do not equal his 100 per cent taxable earnings. Now, the minister has responded in a way that he didn't respond last year, nor that other Labour ministers have responded in the past, which was simply that 75 per cent non-taxable roughly equals 100 per cent taxable. And when I read the figures into the proceedings—

**Hon. Mr. MacBeth:** I don't think I said that, Mr. Chairman. I gave three or four reasons—and that was just one of them.

**Mr. Bounsall:** Yes, all right, but you didn't simply respond in the way that you did last year, and other Labour ministers have, to simply shrug and say: "Well, 75 per cent non-taxable is equal to 100 per cent taxable."

I have read in the debate this afternoon on second reading what some of those different figures were. What the minister did say in one of his responses was that I was picking the extreme cases. I want it very clear on the record tonight that I was not. I will read enough figures in here so the minister will clearly see that I was picking no extreme figures when I read those differences for weekly amounts that would accrue to that family and to that worker because of that difference of 75 per cent.

I have the minimums now; under the Act \$120 a week would be reduced to \$90. If one was receiving \$120 a week, taxable, and was injured and is now receiving three-quarters of that, the 90 per cent non-taxable for a single person, the difference comes out to \$13.60 a week. The loss to that person is \$13.60 a week if that person is a single person and has no dependants.

Now, I then pointed out to the minister this afternoon, using another example, that one could go down and add to that man a dependent wife and one could add children, various numbers of children to that, and what happens is that the figure simply increases. Because you have a dependent wife, you pay less taxes because you have the higher tax deduction. When you are cut to three-quarters of your earnings and those earnings are non-taxable, as opposed to 100 per cent taxable, what happens is, having paid less taxes, you have a greater amount per week in lost earnings.

In this particular case of a person being paid the minimum, should that person have

four children—and that's as far down the list as I want to go; but I can assure the minister it is a regular progression. If he had a wife and four children, and is making \$120 a week taxable, he in fact pays \$1 a week in federal tax. The 75 per cent non-taxable, which moves him down to \$90 a week, means that he is dropped \$29 a week in earnings. The more dependants you have, the greater is your drop in actual take-home pay per week to the point that if you had four children and were on the minimum as laid out in the Act, you suffer a \$29 per week loss—\$29 on \$90; it's expressed as a percentage of the pay which the board is paying you.

Such a man is suffering something like a 35 per cent decrease in the money he and his wife, with a family of four, would have to spend. As you move up to the other earning categories—I can give it for all the different categories of dependants—if someone is making \$14,500 which is very close to the maximum as proposed in this Act, if it's a single person, the loss per week incurred by that person—the difference between \$15,000 taxable and \$12,000 non-taxable—is \$37.40.

If he is married but his wife is working so she is not a tax deduction and they have two children, the loss in earnings is \$38.82 a week. If his wife is not working and, therefore, is a dependant and two children are involved, the loss per week is \$49.02. If there is a man, a dependent wife and four children the loss is \$51.77 a week.

They are not extreme cases. I just picked a case that was at the minimum; I picked a case which is at the maximum or quite near the maximum and I can quote you, if you need further convincing, other salary ranges in between—for a man receiving \$8,000; what his gross would be; what his rate from the board would be; and what the loss of income to him is—and it is considerable. What conceivable reason do you have to let it cost a man, earning close to \$15,000, with a dependent wife and four dependent children, \$52 a week, which is the difference between \$15,000 taxable and \$12,000 non-taxable at your three-quarter figure? What conceivable reason can you give for his expenses in getting to and from work—which is the other factor you brought in—and the lunches he would eat amounting to that, bearing in mind he is only making a salary of \$15,000? They're not eating out every lunchtime; they're carrying their lunch in a paper bag or a lunch bucket. What conceivable reason can you give for saying he is going to eat up \$52 a week in additional expenses, in transportation to and from work and in those



meals while he is away from home because that's the difference—\$52 a week?

**Mr. Martel:** It is all that caviar.

**Mr. Bounsall:** The percentage of his take-home pay is not nearly as spectacular as the man who is only making \$120 a week. The man who is only making \$120 a week sure isn't eating any lunches out and he's getting to work by the cheapest possible way, yet he suffers a 35 per cent loss in that difference. The man who doesn't suffer nearly as high a percentage loss because his salary is higher is, in fact, losing \$52 a week. There is far too large a difference there.

There is too large a difference there for it to be equitable. I have other figures here if you want me to give them. I have not taken extreme cases or extreme examples. I can give them to you for someone at \$11,000 and someone at \$8,500.

Our view is it should be 100 per cent; let it be non-taxable and let him pocket the difference for his pain and his suffering. Let him pocket the \$50 a week difference, if he is earning \$15,000 and has four children, until he recovers.

If the Minister of Labour, or the board, in putting these things together, cannot possibly stomach the thought that a man who is injured and deprived of his living, however temporarily—in some cases, as you know, it is two or three years, and all the worry that is involved in that—but if a man is deprived of his earnings, deprived of his living, is worried about his future, if the minister cannot stomach the idea of him getting one penny more than what he was bringing home when he was working, then for heaven's sake find another percentage figure here; find a sliding scale, but don't leave these workers in the completely unjustified, low position, they are in.

The 75 per cent taxable income is not at all equitable or close to what happens in terms of take-home pay, looking at the expenses those workers would have, when compared to the 100 per cent taxable. Find a sliding scale; find a set of figures, a percentage which makes it equitable.

It may well turn out that 90 per cent would be a reasonable figure, if you wanted to make it an even amount, for people making under a certain fixed sum of dollars which would change each year. We would allow that to be put in the regulations without too much of a fight, to adjust that point at which it would be 90 per cent below a certain point and 95 per cent above a certain point. That

is an amount which would be suitable to be put in some regulations pertaining to this Act.

That could be adjusted, so that he would end up with the same dollar amount. But the way the minister has it, at 75 per cent, there is no way it is equitable. The low wage earners loses a very high percentage of his take-home pay. The fairly high wage earner loses a lower percentage but a lot of dollars, and we are talking about a man and his family, married with two to four kids; we are talking of a range of \$40 to \$50 a week. Why does the minister do it? Why does he take someone and say: "Look, you are injured. You were making \$15,000. Right off the bat, we are going to ensure that over the course of the year you are going to have \$2,500 less to spend than if you hadn't been injured?"

**Mr. Martel:** That's teaching him.

**Mr. Bounsall:** And, you know, this is probably the same man who stood in the plant at Stelco and said, "I don't want to go into that position because I consider it unsafe." His foreman told him to go in, and when he said he wouldn't, he had the choice of being suspended or going in there and getting injured. He goes in there and is injured and then the minister says: "We are going to arrange to pay you \$2,500 a year less because you went into a place where you yourself said you shouldn't go and were injured."

That's the basic inequity. When he is injured—in most cases not because of his own doing; in many cases because the work place is unsafe—you then go on by this 75 per cent factor and ensure that he is further downgraded and further disadvantaged with respect to his position in the world.

Something has to change. We have amended this to put in the 100 per cent. If the minister can come up with a more equitable ratio, do it; but it is sure not being equitable now.

I am not blaming the board for it, because this would have to be, no doubt, a cabinet decision. I am sure the board would like to see that inequity removed and those higher amounts paid. But certainly the minister should be talking to his colleagues and pointing out to them the inequity of this and that for the working people of Ontario who are injured it should be a reasonable thing for those workers to receive an amount at least equal to what their earnings were before they were injured.

One of the standard replies the minister might make now is that we want to ensure

that by paying him there is some incentive for that worker to get back to work. Well, believe you me, there are not many people in our population who can sit around content to do nothing, if they have worked for a considerable portion of their lives. The way in which the Workmen's Compensation Board requires medical reports from the doctors in attendance on injured workmen, there is no way that workman would find himself in a position where he would be allowed to become whole and not be cut off the pension.

So the minister has really no big worries on the score of someone, if he gets the same amount of money, trying to cover up the fact that he is no longer injured. That would be found out and, by the mechanisms you have, drops in pension will occur and he will want to return to work. They want to return to work anyway.

We are talking only of a very small percentage who might prefer to do nothing rather than work. I would think it would be the same as the percentage for those persons who rip off whatever welfare scheme we have, something in the vicinity of three to six per cent—those who rip off the welfare scheme, those medical doctors who rip off OHIP and so on. We are talking about a small percentage, three to six per cent, whom your boys are very adept at catching anyway; to leave this at 75 per cent for that reason, rather than 100 per cent or some figure which would ensure that he has the same take-home pay, is just not good enough.

**Mr. E. R. Good** (Waterloo North): Mr. Chairman, last year the member for Welland South spoke on this point and suggested an 85 per cent figure. You can play the figure game all the time. Undoubtedly, 75 per cent is inequitable, but the big argument, of course, is that it's not taxable. When you look at the widespread tax variations that can result for people making the same amount of money, certainly the taxation matter is a very indefinite thing. Some people may have retirement savings funds that are non-taxable, other people give more charitable donations than others; so the taxation may or may not be a big advantage.

Last year the 85 per cent was not considered, and I suppose the 100 per cent is going to the extreme. I think the member for Windsor West has an excellent point when he says it would not be too difficult to figure out a variable form of payment, depending on wages and the taxation position. Every employee has to file with his employer a slip showing his personal exemptions. I would think that in fairness to the employees, the

minister would want to have something a little more equitable than 75 per cent straight across the board, because it does affect one wage earner considerably more than another wage earner, depending on the wages received by that person.

I might just ask, has the minister ever considered a sliding scale? Has he ever considered upgrading the 75 per cent? The income tax argument has a certain amount of validity, but income tax has a great variation in families, depending on whether the wife is working, how many children there are and other considerations as to how much non-taxable investment a person might happen to be making in the way of retirement.

I would think it's time that the ministry moved toward promoting a more equitable amount and took into consideration the fact that it's non-taxable and any other benefits that are required, the non-payment of hospitalization and anything else. Certainly, though, 75 per cent across the board is not an equitable way to deal with this matter of payment.

**Mr. Chairman:** It is now 10:30.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): I would move that the committee rise and report.

**Mr. Good:** Let the minister reply.

**Hon. Mr. MacBeth:** Let me just give a brief reply, Mr. Chairman, if I might. Stress has been put on the fact that it's non-taxable. That is certainly one of the factors involved, but I mentioned other factors. I mentioned the cost of work, and that was belittled. I also mentioned the fact that it was guaranteed for life, and there was no mention of that at all. It just doesn't stop when a person gets to be 60 or 65 or anything else; it goes on, and that's a considerable factor.

You are saying it's inequitable. I would point out that every other jurisdiction in Canada has a 75 per cent limitation. So if it's inequitable, we are not the only ones who are doing an injustice. I don't agree that it's an injustice.

What you have been suggesting is that these are people who have no other source of income. You have looked at minimums and maximums, and you have looked at children. But most of the people on workmen's compensation in this province have other sources of income. That's why I say to you that you are always looking at the most drastic situation and applying that across the board. As I say, most people on workmen's compensation across this province do have other

sources of income. That is the problem involved. You just can't look at the bare facts and figures we have because they are not applicable to the majority.

**Mr. Bounsall:** I would just very quickly, Mr. Chairman, say that I agree. Most of them do have another source of income because most of them have sustained permanent partial injuries; but that permanent partial injury is something like 10, 15, 20 or 25 per cent, depending upon the extent of the injury, of the 75 per cent of their salaries way back when. Those who have another income because they are at work have got a very small percentage of that 75 per cent—20 or 25 per cent of that 75 per cent. We are not talking about getting 75 per cent of their totals. If a person is totally disabled and is getting 75 per cent, then he probably won't have another source of income.

Hon. Mr. Winkler moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

**Mr. I. Deans (Wentworth):** Mind you, Mr. Speaker, it is minimal progress, but progress is progress.

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** Mr. Speaker, tomorrow we will continue with this debate in committee of the whole House, to be followed as previously called by item 20, Bill 111. Tomorrow we will announce the business for next week.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.



CONTENTS

---

Thursday, June 26, 1975

Workmen's Compensation Amendment Act, Mr. MacBeth, second reading	3431
Workmen's Compensation Amendment Act, in committee .....	3435
Motion to adjourn, Mr. Winkler, agreed to .....	3447



# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Friday, June 27, 1975

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JUNE 27, 1975

The House met at 10 o'clock, a.m.

Prayers.

Mr. Speaker: Statements by the ministry.

## BEEF CALF INCOME STABILIZATION PROGRAMME

Hon. E. A. Winkler (Chairman, Management Board of Cabinet): Mr. Speaker, on behalf of the Minister of Agriculture and Food (Mr. Stewart) I have the pleasure of announcing an Ontario beef calf income stabilization programme. This programme will form the first part of the farm income stabilization thrust as announced in the budget speech on April 7, 1975.

Under the new beef calf income stabilization programme, the Ontario government has two objectives: To stabilize the income of recognized beef calf producers in Ontario, and to encourage a continuing steady supply of Ontario-produced beef. I must stress that the programme is long-term in scope, with the major emphasis being on the benefits which will accrue to those producers who plan to continue in beef calf production over several years.

An income stabilization fund will be created whereby all recognized beef calf producers in Ontario will qualify for this joint producer-government programme on a voluntary basis for an initial five-year period; and, of course, it is open to review. Both the farmer and the provincial government would make annual contributions to the fund. Payments into and from the fund should approximately balance over the five-year period.

The weighted average market price becomes a vital statistic in the producer payout under this programme. Accordingly, the weighted average price for Ontario-produced stocker calves will be established each year at several principal selling points in Ontario during September, October and November. Should the weighted average market price of stocker calves fall below the guarantee, a payment for the difference will be made to the participating producers. Producer payments from the fund will be made on a per-cow basis to make it consistent with the

premiums which will be collected per cow.

A payment would be made for each cow registered in the programme. A variety of factors will determine the payout per cow: The minimum price guarantee established; the weighted average market price; the number of calves from 100 cows; and the average calf weight. In this particular plan, payments will be based on a 450-lb calf and an 85 per cent calf drop. A price guarantee of 50 cents a pound has been established for stocker calves for the current year.

I must stress that the producer payment will be the same for all participating producers irrespective of their individual selling price or their individual costs of production. In this regard, the programme is designed to interfere as little as possible with an individual farmer's decision-making in managing his own farm. As well, a farmer will not be required to sell his calves in the year in which they are produced to qualify for the payments.

Participating producers will be required to pay an annual fee per beef cow registered in the programme. For 1975, this fee will be \$5 per cow. In the light of the particular financial circumstances surrounding the cow-calf producer at the present time, the 1975 farmer premium will be deferred until late in 1975. If, after calculation, a producer payout is made in 1975, the producer's premium will be deducted from his payout. A promissory note will be accepted in lieu of a cash payment of the fee. The enrolment period for eligible producers for this year will be July 15 to August 31, 1975. Interested farmers will be able to pick up application forms and other pertinent information from the local agricultural representative's office after July 15 of this year.

Mr. Speaker, the Ontario beef calf income stabilization programme must not be viewed as a guaranteed income scheme; rather it is a plan to stabilize the income of beef cattle producers by putting a floor on the amount of money which a farmer would be expected to receive over and above operating costs in years of low calf prices. In years of good market prices, the farmer would receive the full benefit of improved market conditions.

Mr. Speaker, I am sure all members will agree with me that this programme, which has been developed by the Minister of Agriculture and Food, will go a long way towards assuring our Ontario beef industry of a more stable future, in spite of the many outside circumstances which are beyond the control of an individual farmer in this province.

**Mr. S. Lewis** (Scarborough West): The farmers won't applaud it.

**Mr. Speaker:** Statements by the ministry.

### DUMP TRUCK OPERATORS' AGREEMENTS

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Mr. Speaker, during the recently concluded debates on the estimates of my ministry, the hon. member for Yorkview (Mr. Young) tabled a form of agreement, which he indicated that certain road contractors were asking dump truck operators to sign. This agreement provided that the operator would supply dump trucks to the contractor at specified rates and if under certain conditions they were not supplied, the contractor could charge the operator for loss or damage suffered thereby. The contract was considered to be onerous in that the operator was given no assurance of obtaining work from the contractor even though he had an obligation to provide the trucks.

On Friday, June 20, the hon. member for Yorkview repeated his request for my comment on this agreement, and I am pleased to provide it at this time. I can inform the House that, according to my information, agreements along the lines of the one in question are not in widespread use in Ontario. In fact, I have been informed of only two instances where such an agreement is in force, neither of which involves work on highway contracts. To the knowledge of the officials of my ministry, the agreement is not utilized on any road construction contracts let by this ministry.

I do not at this time believe there is a danger of this practice spreading. I intend, however, to keep the situation under review and, if at any time it appears that agreements of this type are becoming a problem, I will consider taking such steps which may include a condition in our standard form construction contract specification to prevent their use in MTC contracts.

I might also suggest that in strict legal terms the agreement may not be as onerous for the operator as some may have been led to believe. It might, therefore, be prudent for an operator, who has signed such an agreement, to obtain an interpretation from his lawyer as to what his rights are under it, in particular his right to carry on business with third parties without being subject to claim by the contractors. Certainly he would be well advised to consult a lawyer, whenever a contractor attempts to claim against him for a loss or damage suffered, to ensure that the claim is well founded.

### DEATHS OF SUMMER STUDENTS

**Hon. W. Newman** (Minister of the Environment): Mr. Speaker, on behalf of the government, I ask the members of this House to join with me in expressing deepest sympathy to the parents and families of Fritz Muhlberghuber and Steven Mold, both of Kitchener. The two 17-year-old boys died yesterday as a result of injuries received while employed as summer students at the Waterloo sewage treatment plant.

An investigation into the accident is being carried out by the proper authorities.

### ASSESSMENT ACT CHANGE

**Hon. A. K. Meen** (Minister of Revenue): Mr. Speaker, I would like to take this opportunity to reply to the issues raised by the member for High Park (Mr. Shulman) concerning the amendment to the Assessment Act passed on June 19, 1974. The matter deals with section 17, subsection 3, of that Act.

Firstly, I wish to make it abundantly clear that the amendment exists because it adds greater equity to the overall assessment process. We in no way misinterpreted it or were unaware of the implications of the amendment. The controversy raised by the hon. member deals solely with income properties which have shared parking areas, common malls, often enclosed and acclimatized against the weather, and shared elevator or escalator cores. And the discussion applies particularly to those shopping centres which have one or two large department stores as a drawing card. In all the province, the amendment applies only to income-producing properties that have become operational since June, 1974.



Prior to the existence of the amendment, the Act provided that each occupant's property was assessed separately and the common practice was to value each occupant's property solely on the basis of the percentage of square feet occupied, rather than including the total shared space of the plaza. Therefore, business assessments did not reflect the value of common malls, shared walkways and shared parking areas. In some cases, those shared areas could amount to up to 20 per cent of the value of the total assessment.

Some stores, especially kiosks, enjoyed a substantial tax advantage because they paid tax only on occupied space but used the common area for their business trade.

This is a complex topic, Mr. Speaker, and at a later date I shall prepare a fuller statement. However, I want to make one emphatic point at this time. The situation does in no way involve the shift of tens of millions of dollars to the small tenants, as has been suggested by the member for High Park.

**Mr. M. Shulman (High Park):** It most certainly does. How much does it involve?

**Hon. A. Grossman (Provincial Secretary for Resources Development):** The member knew that very well. It was a slight exaggeration.

**Mr. Speaker:** Oral questions. The hon. member for Kitchener.

#### UNIVERSITY SCIENTIFIC STUDY SUPPLIES

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, a question of the Minister of Colleges and Universities with respect to the supplying of various laboratory items to universities from Canadian companies.

Following the series of letters sent to the minister by the Johns Scientific company and Mr. J. Paul Richards, can the minister give us any information now as to government plans to require that universities at least give Canadian manufacturers the opportunity to bid for various scientific items, rather than continuing the systems approach, which is now encouraging universities to completely award the general purchase of these laboratory and other scientific items mainly to American subsidiaries?

**Hon. J. A. C. Auld (Minister of Colleges and Universities):** Mr. Speaker, I wrote to all the universities earlier in the year, saying that while their purchasing policies are of course their own business, as far as government policy is concerned we were anxious that

where possible they purchase supplies from Canadian manufacturers.

In the case of the laboratory equipment to which the hon. member refers, I don't have the details in front of me, but my recollection is that the firm did bid but the overall supply arrangement was such that the universities said they had considered that firm but had decided on economic grounds to purchase elsewhere. I could give the hon. member the details; I don't have them with me today. I think I wrote to the firm either yesterday or the day before giving the details.

**Mr. Breithaupt:** Since there is the possibility of potential savings of money if competition does involve itself in these purchases, does the minister not think that the systems purchasing approach by the universities, while it may give some advantages, should at least be monitored somewhat to ensure that Canadian manufacturers at least have the opportunity to quote for these items?

**Hon. Mr. Auld:** Mr. Speaker, in the various complaints that have come to my attention—and there have not been a great many of them—I have got in touch on each occasion with the university administration. The information I have had is that in just about every case—I say “just about” because I am not sure that I know of an exception, but there may have been one—Canadian manufacturers or suppliers have been approached and the decision has been made on the basis of price and service. I don't think the hon. member would want me to go any further than I have in suggesting that Canadian manufacturers receive every opportunity and preference within reason.

**Mr. Breithaupt:** If the minister could send me that information it would be appreciated.

#### RECREATION LAND OWNERSHIP

**Mr. Breithaupt:** A question of the Minister of Natural Resources following the unanimous decision of the Supreme Court of Canada with respect to land ownership patterns within Prince Edward Island. Has the minister now decided to proceed with the formulation of any plans to have some control over the purchase of lands, at least for recreational purposes, by persons who are non-residents of Ontario or perhaps persons who are non-Canadian citizens?

**Hon. L. Bernier (Minister of Natural Resources):** Mr. Speaker, I am sure the hon. member is aware that the government adopted



a policy some time ago that land would not be sold to individuals for summer cottage development; titles in fee simple for those are available for commercial development only.

Just last week, as I am sure the hon. member is aware, I announced a new programme for summer cottages in subdivisions, whereby Ontario residents would be given first preference. In the first year it will be offered for lottery or for lease, in the second year, Canadians will be offered the right, but in the third year, non-Canadians will be offered the right.

Further to this announcement, I announced a new remote cottage programme whereby only Ontario residents, those who have been resident in this province for 12 consecutive months, will be allowed to have a remote cottage in that area north of the French River. I think we are moving ahead in the direction of allowing the right to lease Crown lands to residents of Ontario, ahead of any others on a priority basis.

**Mr. Breithaupt:** Following that obvious priority for both the use of Crown lands and the two programmes to which the minister also referred, is there any intention at least to monitor the transfer of ownership of any particularly large blocks of land, particularly along the more attractive river and lakefront systems, that will at least encourage those lands to remain in Canadian hands or at least to be made available for Canadian citizens as well for possible development?

**Hon. Mr. Bernier:** Mr. Speaker, this is an area that the government and my particular ministry are constantly looking at. It is a matter of review at all times, so it is an ongoing situation.

**Mr. Speaker:** Supplementary. The member for Thunder Bay.

**Mr. J. E. Stokes (Thunder Bay):** Thank you, Mr. Speaker. Now that we have the remote cottage programme in place, does the minister think it will be possible for people within his ministry to resolve the long-standing problem of squatters on Crown land? Does he think it may be possible now to issue land-use permits to those people who were once occupying Crown land illegally? I am not suggesting that he do it all but surely, rather than a scorched-earth policy, does the minister think it's possible to integrate this new programme with those who now may be legitimately on Crown land

and meet all the requirements as a result of his wilderness cottage programme?

**Hon. Mr. Bernier:** Mr. Speaker, let me make it very, very clear that we do not have a scorched-earth policy in this ministry or in this government.

**Mr. Stokes:** No, they just burn them down.

**Mr. E. W. Martel (Sudbury East):** Just here and there.

**Hon. Mr. Bernier:** I think the member is very much aware that we have a land use advisory committee in the northern part of the province whereby they zone specific areas as to areas of development and those areas where no development will occur. If there is a cottage there now that's unauthorized and if it is in an area where development could occur, if the cottage owner meets the various criteria established in the remote cottage programme, then we would give him a 10-year lease.

**Mr. Speaker:** Any further questions?

#### ORENSTEIN AND KOPPEL (CANADA) LTD.

**Mr. Breithaupt:** Yes, one question of the Minister of Labour, Mr. Speaker. With respect to the strike that has gone on since June 6 at the Orenstein and Koppel Co. (Canada) Ltd. in Dundas, can the minister advise if it is correct that the new owners of that company are not carrying on negotiations with Local 1740 of the International Association of Machinists? Could he also arrange to use his good offices to ensure that bargaining does continue in that particular location because of the apparent difficulties that have arisen in this situation?

**Hon. J. P. MacBeth (Minister of Labour):** Yes, Mr. Speaker, they have been on strike since June 9. We met with them last on June 24. There is no provision for any immediate meetings at present but, needless to say, we will continue to do our best to get the parties together.

**Mr. Breithaupt:** Is it correct, Mr. Speaker, that the management of the company is not making any offers with respect to assisting in a potential settlement?

**Hon. Mr. MacBeth:** Mr. Speaker, I'd rather refrain from making any comment on that at this time. I don't think it would be helpful to the bargaining position to make any comments publicly on the position that either party to those negotiations have taken.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Supplementary: Would the minister take a look at the possible violation of the Ontario Labour Relations Act involved in the company sending letters, both before the strike and after the strike began, to all of the employees indicating that the bargaining committee on behalf of the employees had misled the membership, and was not in fact conveying the nature of the offers made to the membership? I think that kind of effort to divide and conquer on the part of a company is explicitly ruled out under the Ontario Labour Relations Act, and I would urge the minister to investigate.

**Hon. Mr. MacBeth:** Mr. Speaker, the hon. member for Wentworth (Mr. Deans) gave me one of those letters last evening, and I have not had a chance this morning to follow it up—but that's one of the things I will do; and I've got that letter in my hand.

**Mr. Speaker:** The member for Scarborough West may ask his questions now.

#### BEEF CALF INCOME STABILIZATION PROGRAMME

**Mr. Lewis:** I would like to ask the Chairman of Management Board, first, how he can talk about a fair market return to the farmers on the one hand, and then set a level of 50 cents a pound when the costs determined, both by the farmers themselves and the Ontario Federation of Agriculture on their behalf, are 70 cents a pound. And how does he introduce an income stabilization plan which is 20 cents a pound less than the actual cost of production for the farmer?

**Hon. Mr. Winkler:** Mr. Speaker, I think that question can be very easily answered by the fact that the data that was presented to us has been in question, and I think the authorities of the OFA now agree with that.

**Mr. Lewis:** Show us.

**Mr. D. C. MacDonald (York South):** Supplementary.

**Mr. Speaker:** Yes, a supplementary.

**Mr. MacDonald:** That last statement rather astounds me, and leaves me almost speechless—almost. Am I not correct that the formula which the minister has come forward with in his plan is that he is going to pay out of pocket expenses, plus only 60 per cent of investment, farmers' labour and management?

**Hon. Mr. Winkler:** I can't answer that one. I'd have to take that question and consult.

**Mr. MacDonald:** I'd appreciate it if he could get an answer on that, because I think that is the basis.

**Hon. Mr. Winkler:** I will.

**Mr. Lewis:** Since what the minister indicated, almost speechlessifying my colleague, is out of—

**Mr. Breithaupt:** Not quite.

**Mr. Stokes:** Unspeechless.

**Mr. Lewis:** Unspeechless? Well, either one; this is a Friday morning. If I may ask the minister, since the figures he is implying have at no time in all of the discussions ever been conceded by the Federation of Agriculture or the farmers involved, can he table the calculations for the Legislature?

**Hon. Mr. Winkler:** I will if they're available to me, Mr. Speaker; certainly, I would just like to make a further remark, that when the member for York South is speechless, that's a new day around here.

**Mr. MacDonald:** A bad day around here, may I presume to say.

**Mr. Lewis:** May I also ask, by way of supplementary, whether anyone informed him that the two groups of cow-calf operators in the province most centrally involved, those on Manitoulin Island and those in the Rainy River district, have already objected to this plan in advance? Indeed, I have with me a petition from the Rainy River farmers totally rejecting the suggested income stabilization programme for Ontario cow-calf operators, which the minister has just introduced this morning. Did anyone tell him that they'd rejected it in advance?

**Hon. Mr. Winkler:** Mr. Speaker, we knew very well that it wouldn't receive unanimous approval.

**Mr. Lewis:** Unanimous? Certainly not by the people affected.

**Hon. Mr. Winkler:** Because there were some people—and the hon. member knows well who they are—who would have taken a position against us no matter what we would have brought in.

**Mr. Lewis:** What is he talking about?

**Mr. MacDonald:** One of the three groups the government designed to bring into this programme in advance.



**Mr. L. C. Henderson (Lambton):** The member for Rainy River (Mr. Reid) is one.

**Mr. MacDonald:** It's ridiculous.

**Mr. Speaker:** Order, please.

**Mr. Breithaupt:** As a supplementary: If those particular groups which are the most directly concerned at the present time are not content with the programme put forward, are there any intentions to meet further with them to see if those problems can be resolved for the benefit particularly of the farmers who are most concerned?

**Mr. MacDonald:** All that was at the meeting we were all tossed out of the other day.

**Mr. Martel:** Except the Tories.

**Hon. Mr. Winkler:** I think the member should have a very careful look at the statement and the words that I added myself from the Management Board's point of view stating that we would review it. We are determined that the programme will work.

**Mr. Speaker:** Any further questions?

**Mr. MacDonald:** The minister will find out that it is voluntary on the farmers' part. He is going to have to change it.

**Mr. Stokes:** I think he should have left it to the Provincial Secretary for Resources Development.

**Mr. Speaker:** Order, please. The member for Scarborough West.

**Mr. Lewis:** Mr. Speaker, the parliamentary assistant to the Treasurer, responsible for matters municipal, was in the precincts. Is he still slinking about under the—

**Mr. Henderson:** The minister.

**Mr. Lewis:** The minister, I am sorry. He has been elevated to a position without portfolio.

**Mr. Speaker:** He may be back. We will give you an opportunity later.

#### WORKING CONDITIONS AT CHROMASCO

**Mr. Lewis:** Thank you. May I ask the Minister of Natural Resources has he yet an answer to the questions I raised on May 6 last and on June 16 last regarding the Chromasco Corp.?

**Hon. Mr. Bernier:** Mr. Speaker, I just happen to have it handy.

**Mr. Breithaupt:** He is glad the member asked that question.

**Hon. Mr. Bernier:** The member asked that question some time ago. The answer, Mr. Speaker, is that Mr. Thomas' letter of instruction dated April 24, 1975, listed 43 separate situations needing a remedy. A letter dated May 21, 1975, from a new manager indicates the completion of instructions for 36 of these items. Four more items were almost completed. The remaining three were in the nature of general requests for improved internal communications in the establishment of a continuous clean-up programme. Such a programme has been initiated and methods of improved dust control are under study.

It was indicated also that the flow of information between management and labour is improving. I understand the director of the mines engineering branch, in company with the regional mines engineer, is to audit the results shortly.

**Mr. Lewis:** By way of supplementary, does it cause the minister any personal concern that an inspector resisted the efforts on the part of the union for so long to clean up the conditions in that plant that when the inspection was finally done 43 directives had to be issued to the company? And what happens to those who contract occupational disease as a result of the earlier neglect?

**Hon. Mr. Bernier:** Mr. Speaker, this is an area that I am going to look into personally. It has come to my attention on one or two other occasions. I have met with the director of the mines engineering branch and discussed this very issue. I will be enforcing it a little harder.

**Mr. Lewis:** Thank you. Could I urge the minister to read the transcript which I just happen to have read last night and this morning of the hearings before the Ham commission on Chromasco, in which a ministry inspector testified and which transcript is really quite remarkable? Perhaps he could refer to his colleague, the Minister of Health (Mr. Miller), or discuss with him the observation of one of those who did the testing, reported as follows:

Look, this is all we can do for you. I don't care if you can cut the dust with a knife, it has nothing to do with us. We don't care if you die from a heart attack from breathing the dust or if your lungs



clog up, but as long as you don't die from silicosis, then what the hell have you got to worry about?

I would appreciate an investigation into that if the minister would. Thank you.

#### MUSKOKA AREA EDUCATION COSTS

**Mr. Lewis:** May I ask the minister now in charge of matters municipal whether he has had communication from the district of Muskoka, whose total education budget announced last week has just jumped 28 per cent, ranging in increases from 24.2 per cent in the Muskoka area itself to 79.2 per cent in Georgian Bay, and an education tax increase from \$132.50 to \$170.50 on an average property in Muskoka assessed at \$22,000?

Can the minister ask for a report as to the reasons for the increase and can he take a look at what is obviously the very difficult financial situation consequent on the creation of the district?

**Hon. R. B. Beckett** (Minister without Portfolio): **Mr. Speaker,** I am not aware of the matter that the hon. member has mentioned but I will certainly look into it.

#### ASSESSMENT ACT CHANGE

**Mr. Lewis:** I have one more question for the Minister of Revenue. I am chagrined to say I have nothing marginally comic in the absence of the Minister of Tourism and Industry, although he is marginally comic himself.

May I ask the minister what evidence has he of largish amounts of money not being involved in the questions raised by my colleague from High Park? What concrete evidence can the minister give to the House on this assessment question and is he right in the clear and documented observation that tax payments have gone up enormously for the small entrepreneurs in these various malls?

**Hon. Mr. Meen:** **Mr. Speaker,** to the first point, the amendment to the Assessment Act last year would apply only to properties which would come on the market for purpose of assessment for the first time after that. In other words, the other properties' assessments are frozen. I'm advised there are only seven such malls or shopping centres which have been assessed in the last year or so.

**Mr. Shulman:** So far.

**Hon. Mr. Meen:** That's the information which has been made available to me to date and the figure, as a very rough estimate, is something around \$1 million rather than tens of millions as suggested by the member for High Park.

**Mr. Shulman:** So far.

**Hon. Mr. Meen:** I think we have to remember that this whole business of the shift of tax burden within any particular category—the commercial sector is another one of them; in the past, I've talked of the shift of potential tax burden within the residential class, for example, but this applies to all these classes of assessed property for the purpose of municipal taxation—will be reviewed by the ministry over the next year or so. If there is a dramatic shift of an inequitable nature within these classes, we will be taking steps to see that that dramatic shift does not occur if such dramatic shift is inequitable.

**Mr. Shulman:** It has already occurred.

**Hon. Mr. Meen:** As to the second part of the member's question, I have not had a chance to look into the actual dollars and cents figures which he has quoted. He gave me some figures last evening and I have passed those along to my staff and asked them for a complete report. I would hope that perhaps next week I will be able to give the House a more complete statement which may be able to involve some exact figures.

**Mr. Shulman:** A supplementary, **Mr. Speaker:** In view of the fact that in one small mall alone, in Brantford, the saving to K-Mart was \$150,000 which was shifted on to the smaller people, would the minister not agree with me that when this applies to all malls across the province it will not be in the tens of millions, it will be in the hundreds of millions? Does the minister disagree with his own board of assessment chairman who said this was grossly unfair?

**Hon. Mr. Meen:** **Mr. Speaker,** the chairman of the Assessment Review Board is not one of my staff. I would suggest that what he was saying was obiter in that sense.

**Mr. Shulman:** Was what?

**Mr. Lewis:** Obiter: It's a legal expression.

**Hon. Mr. Meen:** It's a legal expression, **Mr. Speaker** it was not part of the ratio decidendi of the decision.

**Mr. Martel:** Boy, is the minister ever flying high.

**Hon. Mr. Meen:** How about that?

**Mr. R. F. Ruston (Essex-Kent):** Will the minister repeat that?

**Hon. Mr. Meen:** In any event, he was expressing his own opinion.

**Mr. Stokes:** The minister had better watch his language.

**Hon. Mr. Meen:** I think he correctly interpreted the legislation. The intention we had last year, and expressed it in this House, was that this would bring some equity into that area of taxation rather than having it on a square foot basis. It gives no recognition whatsoever to valuable space as opposed to less valuable space, if one simply apportions the tax on the basis of the numbers of square feet occupied.

**Hon. Mr. Grossman:** They don't understand.

**Mr. Lewis:** That's right.

**Hon. Mr. Grossman:** It is either an admission of stupidity or irresponsibility.

**Mr. Speaker:** Order, please.

**Hon. Mr. Meen:** It gives no recognition whatever to the fellow who operates a little kiosk in the middle of a mall.

**Mr. Shulman:** Neither did the Treasurer. He said so yesterday.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Hon. Mr. Meen:** It gives no recognition to the fact that that chap is renting a very small space and getting the use of a much larger space paid for by everyone else.

**Hon. Mr. Rhodes:** We know who is hiding behind those glasses. We know it's the member for Grey-Bruce (Mr. Sargent). We know why, too.

**Hon. Mr. Meen:** He would be in a much more preferential position in renting that kind of space in a mall. This approach, as we took it last year, of going to fair market rent for the purpose of apportionment was, in my opinion, a very sound way to approach it.

**Mr. Lewis:** Is the minister going to take some time off the question period?

**Hon. Mr. Meen:** As I say, the ministries will be examining the impact of this over the next year or so.

**Mr. Speaker:** Does the hon. member have any further questions?

**Hon. Mr. Meen:** I think for the present time—

**Mr. Shulman:** The companies will go bankrupt.

**Hon. Mr. Meen:** —it's a fairer way to do it even if it does result in a reduction in taxes payable by some people.

**Mr. Lewis:** This is what lawyers would call a ratio decidendi.

**Mr. Speaker:** Does the hon. member for Scarborough West have a further question?

## OHC LETTER TO TENANTS

**Mr. Lewis:** Can I ask one further question of the Minister of Housing? Could I ask him to look at the tone and content of a letter sent out June 5, by R. Harwood, the senior area supervisor, district B, relating to Ontario Housing Corp. tenants at 444 Lumsden Ave., involving washing machines and faulty plumbing; ask him to see whether he thinks the tone and contents of the letter are perhaps both harassing and intimidating; ask him to see whether the insistence of entry into the apartments conforms with the Landlord and Tenant Act; ask him to comment on the last paragraph which says, "If you have a night chain, please leave it unlocked during the above time and date so that it will not be necessary to break the lock"; in other words, ask him to look at the way in which these tenants are being approached and whether even a landlord in the private sector—God knows I don't love them all—behaves in quite such a fashion?

**Hon. D. R. Irvine (Minister of Housing):** Mr. Speaker, I would be pleased to look at it and contact the member directly.

**Mr. Speaker:** The member for Windsor-Walkerville.

## JANITORIAL CONTRACTS

**Mr. B. Newman (Windsor-Walkerville):** Mr. Speaker, I have a question of the Minister of Colleges and Universities. Has the minister looked into the maintenance contracts at the St. Clair College where the Portuguese building maintenance people were not given the contract for janitorial services, despite the fact that their bid was about \$80,000 a



year, or a quarter of a million dollars over a three-year contract, below all other bids.

**Hon. Mr. Auld:** Mr. Speaker, I want to thank the hon. member for telling me about this last night. I was in touch with the college this morning and I am informed that when the tenders were advertised, the usual notice went in—that is, that the lowest or any tender would not necessarily be accepted. There were four tenders received. Of these, three offered approximately the same number of cleaning hours per week of cleaning staff time and of these three, the lowest one offered 1,082 hours per week for a contract sum of \$234,000. The fourth firm, which I assume is the one to which the hon. member referred, submitted a tender for 800 hours per week for a cost of \$153,000. In the opinion of the staff, I assume, this was not felt to be a realistic estimate for the amount of cleaning work that was required so the lowest of the three remaining bids, that is the 1,082 hours for \$234,000, was accepted. I probably will have further details on this next week, but I was able to get that information this morning.

**Mr. B. Newman:** Would the minister look into the possibility that the other bidders in the contract overbid on the contract, and could have performed the work in substantially fewer hours than they did bid? Would the minister also look into why Portuguese building maintenance were not called in to discuss the contract with the employees after the contract had been awarded?

**Hon. Mr. Auld:** Those are some of the things I wanted to find out about, Mr. Speaker. I infer from the information I received that they have had work done previously, and that about 1,000 hours is about what they feel it takes to do it properly. But I will confirm that and I will have the information next week.

**Mr. Speaker:** The hon. member for Port Arthur.

#### OPPORTUNITIES FOR WOMEN

**Mr. J. F. Foulds (Port Arthur):** Thank you, Mr. Speaker. A question of the Provincial Secretary for Social Development in the absence of the Minister of Education (Mr. Wells). Is she aware of a memorandum sent out by the Minister of Education on Nov. 2, 1973? This is in regard to equal employment and promotional opportunities for women in which he points out that it is a "well-known

fact that relatively small numbers of women teachers have been assigned positions of responsibility," and he goes on to say that he knows that the local boards will make decisions that will remedy this situation. Has he returned to the policy secretariat for advice and consultation about further steps that the ministry might take in view of the fact that in 1973, when the memo was sent out, there were 296 women principals in the public elementary system, but only 290 after he sent out the memo—in other words, a decline of six—and in the separate school system there was a decline of two per cent after he sent out the memo, and in the secondary system there was an increase of 0.3 per cent after he sent out the memo? What steps is this government taking to escalate the programme so that women are given positions of responsibility in our school system in Ontario?

**Hon. M. Birch (Provincial Secretary for Social Development):** Mr. Speaker, I'll take that question as notice. As I'm sure the member is aware, there is a very active affirmative action programme throughout the whole government at this moment. But I will take that question as notice and get the information from the Minister of Education.

**Mr. Foulds:** Supplementary, if I might, Mr. Speaker: Am I correct in assuming that the affirmative action programme the minister talks about extends not just within the ministries of the government but into other sectors, including the school system which is run by independent boards? Doesn't the minister feel just a little bit discouraged by the results of the minister's memo?

**Hon. Mrs. Birch:** Mr. Speaker, yes, I may be discouraged but I'm sure the hon. member is well aware that the school boards of this province are autonomous and that all that the Ministry of Education can do at this moment is to encourage more women to become involved and to encourage the school boards to offer these positions to more women.

**Mr. Foulds:** A final supplementary: Would it not be possible for the ministry to offer incentives to women to take principals' courses, for example, over the summer months? I would like to see proportional enrolment in this summer's principals' course and recommendation of the government's principle.

**Mr. Speaker:** The Minister of Colleges and Universities has the answer to a question asked previously.



## CONESTOGA COLLEGE DISMISSALS

**Hon. Mr. Auld:** Thank you, Mr. Speaker. Yesterday the hon. member for Kitchener asked me several questions about Conestoga community college and whether the faculty and staff had been informed of the details of their financial situation and the plans that were being made to deal with it. I'm told that on June 12, the president, Mr. Hunter, presented his proposals and all the financial calculations to support them to a subcommittee of the board of governors at a meeting which lasted some seven hours. On June 18, he presented the same information to the entire college community, the faculty and staff which had been requested to meet at the Doon centre for that purpose. That was a five-hour meeting.

On June 23, there was a formal meeting of the board in the town hall at Harriston. This was an open meeting, with press and spectators, including faculty and support staff, being welcome to attend. That meeting commenced at 7 p.m. and lasted until midnight. At that meeting the board heard presentations from interested groups which, of course, included faculty and support staff. This was followed by a press conference at 9 a.m. the following day. I just have one copy of it here. The material that was made available to the faculty and board and press is some 21 pages. I was interested to note that the information of the member for Scarborough West included the results for 1974-1975 which predicted an unaudited deficit of \$350,000. I think the hon. member yesterday suggested that there was a surplus.

**Mr. Lewis:** Yes, of \$118,000.

**Hon. Mr. Auld:** This information includes the original proposal that the administration had to deal with its financial position and what is referred to as a faculty counter-proposal, a three-year recovery plan modified from the faculty proposal which was the one which the president recommended to the board. If the hon. member would like this information, as I say, I have one copy of it. It's quite thorough in terms of Judge Estey's report on work hours, the financial position, surpluses and so on.

**Mr. Breithaupt:** Perhaps, Mr. Speaker, if the minister would simply table it, it would be available then to whomsoever might be interested.

**Hon. Mr. Auld:** I would like also to say, Mr. Speaker, that yesterday I said that the cleaning job had been put out to tender

but there had been no final decision on it. I was incorrect, Mr. Speaker. No final decision has been made but the cleaning services work has not yet gone to tender. What has happened is that an ad hoc committee was set up consisting of members of the board of governors and the administration and the janitorial staff. They were given authority to study the question of the contracting out of the janitorial services and if they found it would result in more economical cleaning, to go ahead and advertise for bids.

**Mr. E. R. Good (Waterloo North):** Supplementary: In view of all the administrative and financial problems that Conestoga college has experienced recently, could the minister tell where that leaves the proposed construction of the recreational complex so badly needed at the college? What effect is all this going to have on that?

**Hon. Mr. Auld:** Mr. Speaker, I told representatives of the college, when cabinet was in Kitchener a couple of weeks ago, that we were still anxious to see them complete their plans by the addition of the recreational facilities but inasmuch as they were not involved in specific courses and there were still academic facilities required in some of the other colleges around the province, it would probably be a couple of years before we could consider the capital amount required there. Some of the colleges, of course, as the hon. member knows, proceeded rapidly enough that before the capital moratorium in 1972 they were able to construct some or all of the athletic facilities they proposed to have. Others were not so fortunate and subsequent to that time only one college, I believe, has had capital funds allocated to it for recreational facilities. I believe that is Durham college and it was because of a joint community and college need, and some courses.

**Mr. Speaker:** The member for Essex-Kent.

## MURDERS IN TORONTO

**Mr. Ruston:** Mr. Speaker, I have a question of the Attorney General. Since the number of murders in Metropolitan Toronto has almost doubled this year, has the minister any records or anything to show whether the murder cases are tied in with drug situations? In many cases in the United States they have found this was the case. Is the minister doing any research as to whether he can tie in the murders with the drug traffic in the Metropolitan area?

**Hon. J. T. Clement** (Provincial Secretary for Justice): I may not be clear on the question. I take it the hon. member would like to know—

**Mr. Ruston:** Drug related.

**Hon. Mr. Clement:** —if these murders are drug related and, if so, the proportion which are drug related? Is that it?

**Mr. Ruston:** Yes.

**Hon. Mr. Clement:** No, I don't have that information. I think it would be readily available. Many of the capital charges which have arisen in 1975 have not yet proceeded to trial. That information would undoubtedly be available. If the hon. member would like to obtain that information, I would be glad to get it for him and pass it on; at least that which can be disclosed at this particular time, because they haven't been tried yet.

**Mr. Speaker:** The member for Sudbury East.

#### ASSISTANCE TO CHILDREN WITH LEARNING DISABILITIES

**Mr. Martel:** To the Minister of Community and Social Services: The recent Supreme Court decision involving David Bruyn, allowed a 15-year-old to obtain financial assistance for vocational rehabilitation services. Is there any truth to the suggestion that the ministry is now considering writing age limitations into the vocational rehabilitation services, particularly at age 16?

**Hon. R. Brunelle** (Minister of Community and Social Services): Mr. Speaker, the question was raised in the House a couple of weeks ago and I indicated at that time that we certainly recognize the need to provide services to children with learning disabilities. I indicated at that time that this matter is before the social development field. It involves the Ministry of Education, the Ministry of Health and my ministry, and the matter is being actively reviewed by the social policy field. As a matter of fact, there is a meeting on right now with staff discussing this very thing so the matter is under very active consideration.

**Mr. Martel:** A supplementary: Is it the minister's hope, at least, that the Ministry of Education will pick up this responsibility and provide the education facilities for the roughly 200,000 people who are handicapped in this fashion?

**Hon. Mr. Brunelle:** Mr. Speaker, this is a matter, as I said, which is being actively considered. There are many who feel that children of school age should be the responsibility of the Ministry of Education, but something will definitely be finalized in the near future.

**Mr. Speaker:** The member for Welland South.

#### SUBSIDIES TO MUNICIPALITIES FOR BICYCLE PATHS

**Mr. R. Haggerty** (Welland South): Mr. Speaker, I'd like to direct a question to the Minister of Natural Resources, if he could move to his seat. The question is: Since many municipalities have applied for subsidies from the province for bicycle paths but have been unsuccessful and, because of provincial inaction on this matter of provincial trails, Metro Toronto has recently approved a \$100,000 programme for a system of bikeways in the city, will the minister now establish a trails council and develop proposals to provide for public trails in the province, including the bikeways in Toronto?

**Hon. Mr. Bernier:** Mr. Speaker, the entire question of a comprehensive trails programme is being looked at by the new Ontario Trails Council. You will recall that the province last year in a very ambitious programme, came up with a \$1-million snowmobile trails programme. A decision to carry on with that particular programme in the coming year has not been made yet; we are looking for some reaction from the Trails Council. Any policy that we establish will await the input of the Ontario Trails Council, which now is formed and will be sitting very, very shortly.

**Mr. Speaker:** The member for Yorkview.

#### DUMP TRUCK OPERATORS' AGREEMENTS

**Mr. F. Young** (Yorkview): Mr. Speaker, I have a question of the Minister of Transportation and Communications.

**Mr. Martel:** If he would just sit still.

**Mr. E. J. Bounsall** (Windsor West): Boy, he's in for it now.

**Mr. Young:** I will say about this minister that he is generally in his seat for question period, for which we give him full marks.

**An hon. member:** He just rode in on his moped.



**Mr. Young:** I want to thank him for the answer which he gave me this morning, but I want to ask a further question.

The contract to which he referred, and which we have been discussing, does not guarantee any work to the hauliers and, according to the terms, the contractor may set off against any amount owing by it to the operator pursuant to this agreement, "the amount of any loss or damage sustained by the contractor by reason of failure of the operator to provide trucks"—this is in the opinion of a contractor. At 9:30 this morning, I found out by telephone that O'Leary's are still demanding the signing of this contract as a condition of employment and that McFarland and Beaver Asphalt are demanding a modified contract, which is not exactly the same as this.

Since the minister is subsidizing these contracts in large measure and since, I believe, some of these companies do business directly with his ministry, I wonder if the minister is going to take any further action that is suggested here, that the truckers should ask legal advice, since this involves them in very expensive and payment-delaying litigation?

In view of all these things, I wonder if the minister would not take it upon himself to see that these contracts are not only made null and void but that they no longer are required by truckers?

**Hon. Mr. Rhodes:** Mr. Speaker, the legal advice that I have received says that as far as those contracts which we subsidize, municipal contracts, are concerned, we really don't have any sort of control in this area over these individual contracts that are a little farther down the line. We supply the subsidy, the municipality goes ahead and hires its contractors, and then the contractor makes whatever deals he has to with the truckers. We apparently don't have input in this area.

We are still looking at what we can do in this area, even to the point where I have said that I would like to include a condition in our standard contract forms and specifications. The lawyers in my ministry tell me that this is not a very easy thing to do, because we are dealing with a contract that is away down the line and away from the contracts that we are involved with.

As I have said to the hon. member earlier, this particular contract he has shown me, I think, is a detestable sort of thing. I regret that there are people who are trying to use this sort of contract, although again some of the advice I have is that it wouldn't stand up in court at all. I am a little bit in a bind

as to know exactly what to do and how to overcome this legal situation.

**Mr. E. Sargent (Grey-Bruce):** Again?

**Mr. Young:** A supplementary question, Mr. Speaker. I wonder if the minister would consider—

**Mr. Speaker:** Order, please. We had a very long question and a fairly lengthy answer. We are just about out of time; there are other people who want to ask questions, so make it short, please.

**Mr. Young:** I wonder if the minister would consider his ministry backing one of these truckers in taking a case to court and fighting it through to establish legality of the contract or otherwise.

**Hon. Mr. Rhodes:** Mr. Speaker, we will certainly consider that possibility.

**Mr. Speaker:** The member for Grey-Bruce.

## CONSTRUCTION OF MODULAR HOUSING

**Mr. Sargent:** A question of the Minister of Housing—

**Mr. Henderson:** Good to have the member for Grey-Bruce back.

**Mr. Sargent:** I am glad to be anywhere.

**Hon. Mr. Rhodes:** The member is lucky to be anywhere.

**Mr. Speaker:** Time is fleeting. Will the member proceed with his question, please?

**Mr. Sargent:** To the Minister of Housing: With regard to the decision of RCA Victor to close down its new \$5-million cabinet plant in Owen Sound—and the same in Midland—350 employees are going to be out of work in Owen Sound this fall—

**Mr. R. G. Hodgson (Victoria-Haliburton):** Get more money for housing from Ottawa.

**Mr. Sargent:** Well, I am coming to that.

**Mr. R. G. Hodgson:** That's good.

**Mr. Sargent:** The fact is, Mr. Speaker, I have discussed this with the Department of Industry, Trade and Commerce in Ottawa and RCA Victor. They want to have some dialogue as to the possibility of a crash programme on modular housing—adapting these plants to modular housing and mobile home building. Would the minister consider dis-



cussion between his ministry and the Ministry of Industry and Tourism to see if we can get that joint programme working for these two areas, Owen Sound and Midland?

**Hon. Mr. Irvine:** Mr. Speaker, I certainly would consider talking to anyone. If the hon. member wishes to bring them in, I would be happy to meet with them, I just hope that RCA doesn't close the plant in Prescott.

**Mr. Speaker:** The member for Windsor West.

**Mr. Sargent:** Here's a chance for the minister to look good for once now. Is he in favour of the idea?

**Mr. Speaker:** Supplementary question.

**Mr. Sargent:** Is the minister in favour of the idea?

**Hon. Mr. Irvine:** I'll discuss it with them.

**Mr. Speaker:** The member for Windsor West.

#### HOSPITAL DISPUTES INQUIRY

**Mr. Bounsall:** A question of the Minister of Labour, Mr. Speaker: When will the recommendations of the Hospital Disputes Inquiry Commission, which reported last February, start to bear fruit and come into effect—particularly on those recommendations dealing with a province-wide evaluation scheme?

**Hon. Mr. MacBeth:** Mr. Speaker, the ministry is working on those at the present time. Some of them are already in effect and the remaining recommendations will be coming in due course.

**Mr. Speaker:** The time for the oral question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

#### DRAINAGE ACT

**Hon. Mr. Winkler,** on behalf of Hon. Mr. Stewart, moves first reading of bill intituled, the Drainage Act, 1975.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, this bill revokes the present Drainage Act and re-enacts it in a more sequential, logical and up-

dated format. Within the bill, members of the House will recognize many of the excellent recommendations of the select committee on land drainage chaired by the member for Lambton, that great representative from southwestern Ontario.

**Mr. Sargent:** We are going to miss him.

**Mr. Lewis:** When the member for Lambton comes into this House he should put on a tie.

**Mr. Sargent:** Take the member for Grey South along.

**Mr. Speaker:** The hon. minister.

**Hon. Mr. Winkler:** What was that crack?

**Mr. Sargent:** They had the nomination in Grey South the other night. The minister knows his days are numbered. He has had it here.

**Hon. Mr. Winkler:** I wonder if the member for Grey-Bruce is concerned because the ex-member, Mr. Whicher, is going to be running against him, on invitation?

**Mr. Speaker:** Order, please; can we get on with the business of the House? Thank you.

**Mr. Good:** He won't get five votes in Huron.

**Hon. Mr. Winkler:** I apologize, Mr. Speaker.

Interjection by an hon. member.

**Hon. Mr. Winkler:** It should be pointed out that the Drainage Act comes into effect wherever a drainage works involves two or more landowners. A companion piece of legislation, the Tile Drainage Act, refers only to drainage work done on an individual landowner's property. Under the Drainage Act, 1975, we have made provisions for petition procedures to be more equitable to the principal landowners with a stake in the drainage proposal, namely the owners of 60 per cent of the land requiring drainage can now present a valid petition.

A further provision in the Act allows for a preliminary engineer's report on a proposed drainage works before the interested parties have to proceed with the expense of the detailed engineer's report. In this regard, an on-site survey of the drainage site by all interested parties will now become a routine matter of procedure with each drainage proposal. This will allow for a gross analysis of the viability of the project by everyone concerned.

One item of the bill provides for provincial grants to be used to pay drainage superintendents to supervise the maintenance and repair of the drainage works. The appointment of the drainage superintendent remains a municipal responsibility.

Another item in the bill allows for the establishment of an Ontario Drainage Tribunal to look into appeals on the technical aspects of drainage. Prior to the new bill, the drainage referee or a county court judge handled all technical and legal matters. Now the jurisdiction of the drainage referee is restricted to matters of law. This should speed up the appeal procedure, while at the same time providing for a much fairer and more precise method of determining the extent of a drainage problem.

Further, on economic matters, maintenance and repair costs are now eligible for the same grants as new construction projects.

#### TILE DRAINAGE AMENDMENT ACT

Hon. Mr. Winkler, on behalf of Hon. Mr. Stewart, moves the first reading of bill intituled, An Act to amend the Tile Drainage Act, 1971.

Motion agreed to; first reading of the bill.

Hon. Mr. Winkler: Mr. Speaker, in order that individual farmers might have the opportunity to receive more equitable treatment from local municipalities regarding loans for farm drainage purposes, the amended Act allows for appeals to the Ontario Drainage Tribunal.

This is the same tribunal as constituted under the Drainage Act, 1975. The wide fluctuation in the loaning procedures within individual Ontario municipalities led to situations where farmers were not being treated in a uniform manner. Prior to the amended Act, the farmer had no grievance procedure open to him if he felt he was being dealt with in an unfair manner by a local municipality regarding a tile loan.

A new section under the amended Act now makes it possible for the four per cent subsidized tile drainage loans up to 75 per cent of the full cost to apply to persons in territories without municipal organizations. This will provide a financial impetus to northern Ontario farmers to improve their land through the use of tile drainage.

#### PROVINCIAL SCHOOLS NEGOTIATIONS ACT

Hon. Mr. Wells moves the first reading of bill intituled An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers.

Motion agreed to; first reading of the bill.

Hon. T. L. Wells (Minister of Education): Mr. Speaker, this bill makes the provisions of Bill 100, the School Boards and Teachers Collective Negotiations Act, 1975, with appropriate changes, apply to the 749 teachers employed under contract in schools operated by the Ministry of Education, the Ministry of Correctional Services and the Ministry of Health.

The Act establishes a Provincial Schools Authority Council to employ teachers. For this purpose the authority will have the powers of a school board. The teachers will cease to be Crown employees and will be employed under the standard form of teachers contract and be subject to part IX of the Education Act, 1974, which outlines the duties of teachers, provides for the form of contract and establishes the rights of teachers with regard to boards of reference.

The teachers will negotiate as a single unit with the Provincial Schools Authority. Negotiations will follow the same procedure as established in Bill 100; and the teachers' employee organization and the authority will be treated as a branch affiliate and the school board respectively under Bill 100.

The Education Relations Commission established under Bill 100 will also be responsible for monitoring and assisting in negotiations between the authority and the provincial schools' teachers.

I am very pleased, Mr. Speaker, to be able to bring this bill to the House. I think it rounds out completely this government's policy of establishing orderly procedures to further harmonious bargaining in relations between members of the teaching profession in the schools of this province and their employers.

Mr. Speaker: Orders of the day.

#### THIRD READINGS

The following bills were given third reading upon motion:

Bill 75, An Act to reform certain Laws founded upon Marital or Family Relations.



Bill 86, An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies.

**Clerk of the House:** Orders 36 to 44, inclusive; concurrence in supply.

#### CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

Ministry of Revenue;  
Ministry of Community and Social Services;  
Ministry of Colleges and Universities;  
Ministry of Transportation and Communications;  
Ministry of Consumer and Commercial Relations;  
Office of the Provincial Auditor;  
Office of the Assembly;  
Management Board of Cabinet;  
Ministry of the Environment.

**Clerk of the House:** The 4th order, House in committee of the whole.

#### WORKMEN'S COMPENSATION ACT (continued)

House in committee on Bill 106, An Act to Amend the Workmen's Compensation Act.

**Mr. Chairman:** The last time we sat in the committee of the whole House on this bill we were on section 6(1) and the member for Sudbury East was speaking.

On section 6:

**Mr. E. W. Martel** (Sudbury East): Mr. Chairman, last evening my colleague moved an amendment raising the amounts payable to 100 per cent as opposed to 75 per cent, and he presented a number of arguments.

I want to raise with the minister, if I could, a question on what seems to me to be a most unfair practice. It is my understanding that in much of industry if you are in a managerial capacity, if you are shift boss or if you are in any type of managerial capacity whatsoever, the company pays the full salary to the employee and the Workmen's Compensation Board then pays management the 75 per cent.

The minister might say if that is the case, if it is true—I suspect it is and I understand various companies do this. It is not a board decision and therefore you can't interfere. If the minister doesn't introduce the 100 per cent clause then we're building in—or we

continue to build in or retain—a class system by which if you're with management your benefits are greater and if you're not with management your income during injury is considerably less.

I understand with the federal government—and again I ask for clarification—the full salary is sent home to those who are on salary and you simply make a paper transaction, I guess, until the end of the year, which would indicate there is 75 per cent being paid to management in that situation as well. The employee gets 100 per cent.

If those things are correct, it seems to me that management is willing to see that it's shift bosses or whatever type of managerial force they are, receive 100 per cent—because they pay it. Why isn't it fair? The employee who is on an hourly rate is not entitled to 100 per cent of his pay during the period which he is injured. Management pays it both ways, Mr. Minister. One, they pay it directly in salary, and as I understand it, and correct me if I'm wrong, you simply send 75 per cent to them; management is paying that tab. But for the hourly-rated man, it's only 75 per cent.

If I'm right, Mr. Minister, you have no right in the world—and I don't care what the other provinces have—saying there will be that differential. If management is willing to do it for management and managerial staff, it should be willing to do it for the employees. The same thing applies even in sick pay, you know. A man gets his regular pay when he is on staff.

**Mr. R. Haggerty** (Welland South): Of 100 per cent?

**Mr. Martel:** Yes, 100 per cent; but if an employee is out, he's supposed to be able to get by on less I've never been able to understand the logic and somewhere some government is going to have the courage to rectify that and say if management personnel are entitled to 100 per cent during their convalescence, so are the employees.

I would ask the minister to confirm whether I'm right or wrong. If I'm right I would like to know, because management is paying for the full shot, why he isn't willing to assess a little more against management so the employees get the same benefits as management?

**Hon. J. P. MacBeth** (Minister of Labour): Mr. Chairman, I don't know whether the member for Sudbury East is right or wrong but all company practices, and I think he will be the first to admit it, are not necessarily fair. Because one company does it or a num-



ber of companies do it, it doesn't make it right. I don't know anything which prohibits them from doing that if they wish to do so.

**Mr. Martel:** Doesn't the minister agree that if management of a company is willing to ensure that the management, the shift bosses and so on, get 100 per cent by having the management receive their salaries directly from the company, with the company receiving the payment from the Workmen's Compensation Board, if that management is willing to have its management receive 100 per cent, should not the employees of those companies also be entitled to full benefits while they are convalescing? In a sense of fairness, I ask the minister would it not seem logical that the employees should be entitled to the same 100 per cent? The amounts are different, granted, but shouldn't they both be entitled to 100 per cent?

**Hon. Mr. MacBeth:** Mr. Chairman, I think some companies do pay 100 per cent to both wage earners and managerial people if injury happens to them or they are away sick. I say it's an individual company practice and what one company does, if they differentiate, doesn't necessarily make it right and really has no bearing on what the government does in the matter. Because one company may discriminate it has really no bearing on what the government does. You're saying because a company does this, that is the policy the government should follow. The policy the company adopts may be quite wrong as far as we're concerned.

**Mr. Martel:** I am not suggesting that. Your concern, of course, always is that you can overassess management—we've heard you say that many times—because ultimately they pay the bill for compensation. My position is—

**Hon. Mr. MacBeth:** It is not management that pays the bill; it is people who pay the bill.

**Mr. Martel:** Well okay, people pay the bill; that is all the more reason why it should be equitable. But if I say management pays the bill and if management is willing to pay the differential to its staff, particularly those who are in managerial capacities, whether they be a shift boss or something along that line, surely then we should be in a similar position and say that management pays the full shot anyway—and you can bring it one step further and say it is the people—but if management is willing to pay it for one class of people, surely a little higher assessment of management—which is going to be the people anyway—should be made by this ministry to

guarantee that everyone is treated the same. But we know they aren't treated the same; and for the few companies that pass it on to their employees I would suggest there are a lot more that pass it on to their managerial staff as opposed to their hourly-rated employees.

**Hon. Mr. MacBeth:** Mr. Chairman, I don't think I can add anything to what I have already said. Some companies, I understand, do make a practice of paying 100 per cent. Some may just pick out the managerial people, and some may pick out both and pay it both to the hourly-rated people and the salaried people. But that is a matter of company practice.

As I say, just because one company does it, doesn't necessarily make it right or wrong; that is no reason for us changing our policy of paying 75 per cent for the various reasons I have already discussed.

**Mr. Chairman:** The hon. member for Welland South.

**Mr. Haggerty:** Yes, Mr. Chairman, I want to add a few comments to the amendment put forth by the member for Windsor West (Mr. Bounsall). I was noting the comments the Minister of Labour had placed before the committee last night dealing with it. Dealing with the 100 per cent increase, he said he couldn't quite buy it and he said: "It just doesn't stop when a person gets 60 or 65 years or anything else."

I suppose what he was trying to convey to the members was that the compensation will continue to the age of 70 or perhaps beyond that. But I think when he makes that statement, he must take into consideration that if a person suffers an occupational disease or other injuries in industry, he will have lost that income for a period of perhaps 30 years. In other words, what I am saying is that he is disentitled from a company pension. In fact, he may be disentitled from a Canada Pension as a result.

When the minister states that it continues, he shouldn't forget that if he hadn't been injured he would have had those benefits from that other source, his pension. So you are not saying that we are giving him something here for nothing. He is entitled to that, and rightly so. The member for Waterloo North (Mr. Good), mentioned last night, I believe, that we put forth the suggestion here a year ago that we thought 85 per cent was a reasonable approach to equity in the pension benefits paid to injured persons. I suppose if I took 85 per cent of the \$15,000, which is the maximum now set under the Act,

what such a person would get after he paid income tax would be a little over \$12,000. That is a reasonable approach.

I suppose if you take into consideration another person who is earning an income of \$7,000 or \$8,000 and who has a family of two children, that 75 per cent is inequitable. It just doesn't provide the benefits to him. In a sense, he is being shortchanged, and by a considerable amount of money, as has been mentioned by the member for Windsor West.

I think there has to be an increase in the 75 per cent. Whether 100 per cent is acceptable or not by the minister is debatable. I would suggest to him that maybe he would accept the amendment to 85 per cent, which would be agreeable, I think, to persons working in industry and even to management. I think you have to take into consideration the different cost of living today.

If we go back to your other amendments, the two per cent and the 10 per cent increase, they don't even cover the cost of living. If you go back a period of 10 or 15 years, they tell me the price index from that period has increased by about 54 per cent. I think is the figure that has been kicked around.

If you really want to do something here—and I'm sure that you can and it isn't going to cost industry that much—move at least to 85 per cent. I think that would be agreeable to all members of the House in this particular instance.

It's well to say there are other benefits that a person receives when he's on compensation, but I think you have to look at the other things he loses when he's on compensation, the Canada Pension Plan and perhaps his own private pension scheme. He shouldn't have to give those up or sacrifice those because he's injured. It shouldn't have to be that way. I suggest to the minister—and I'm sure he is reasonable—that he can accept 85 per cent.

**Mr. Chairman:** The member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** Mr. Chairman, I have just a few further remarks on this. It's clear from the calculations I have made that 85 per cent for most cases is still inequitable, and that still does not make up the difference in what a worker would have been receiving if his income was taxed, as opposed to 85 per cent of it non-taxable. It still does not make up the difference. If the ministry is refusing to see the equality argument and refusing to acknowledge the

equality argument that's made with respect to this whole question that is before us, I invited them last night to devise a sliding scale of percentages, which in most cases would be well above 85 per cent to ensure there is equality and as small a loss as possible.

By not accepting it, the minister is just refusing to be at all equitable here. As I pointed out before, the bigger the family, that is the greater the number of dependents, then the more inequitable the scheme is. You and the board have no reason to go around this province or anywhere else talking about the Workmen's Compensation scheme which you have as being something good at all, when that basic inequity is so clearly there. It matters not to point to other jurisdictions and say, they have the 75 per cent provision too. You just want to ensure that you are continually being as inequitable as those other jurisdictions.

As long as you continue to be inequitable over this point, you have no right to go around talking about the worth of your Workmen's Compensation scheme. You are continuing to penalize the worker for being injured in the workplace, and the more dependents he has the more you are willing to penalize him. That simply is not good enough.

I'd like to pick up on the same question which the member for Sudbury East mentioned just a few minutes ago with respect to employers who see that their salaried personnel, their supervisory and management personnel, receive their full pay. The board must know—and this is a statistic we would ask the board to produce some time—the employers and the companies to which they send their Workmen's Compensation cheques rather than to the injured workman. I would ask the minister to ensure that the Workmen's Compensation Board report to us and indicate to us those employers who in fact are paying their supervisory staff in this manner, what percentage of employers therefore are doing that in the province; and what percentage of the workers in this province who are covered by workmen's compensation are represented by these employers.

I suspect it is the large employers who have this particular arrangement going, as opposed to the small ones. If there is only maybe, say, 50 per cent of the employers engaged in this practice, to pick a figure, it probably covers something like 80 or 85 per cent, therefore, of the workers participating in this plan.



To indicate how reasonable these suggestions are, the Canadian Union of Public Employees has not encountered that much difficulty, in bargaining for its collective agreements across this province, in seeing that provisions introduced into contracts on behalf of their employees they represent in the bargaining unit.

Both the inside and outside workers at city hall in Windsor and the members of the board of education in Windsor, represented by CUPE, have this in the bargaining agreement. In talking with them, it was no great fight in the initial instance to get it in. The agreement is that the net pay to the employer be the same and the Workmen's Compensation Board simply pays to the employer the cheque on behalf of the employee. That's exactly the case in the board of education, and the employer pays the same net pay to the employee.

I think in the situation in the city of Windsor, having looked at the total expenditures which they make for all of their employees, they have chosen to cover the employees themselves, but have made that arrangement with them that they will pay the net pay.

They use the Workmen's Compensation Board to determine the degree of compensation, or that the injury is compensable. But, whether or not an employer, having looked at the situation and deciding whether to cover it itself or go through the board, there are many employers in this province who, with their bargaining agents, have agreed that for all of their workers they will see that they obtain their net pay. These have not been that difficult to obtain.

So, the employers in this province recognize the argument that is put forward that it's inequitable to pay simply the 75 per cent and have it non-taxable. It's also a bit of saving involved for the employer, because by agreeing to pay the net rather than the gross, the employer in fact saves the amount of the additional federal tax and provincial tax, presumably, which the employee would otherwise save. There is a net saving to the employer's payroll for each individual by the amount of the tax saving for those who set it up that way. There is a small incentive there to the employer to engage in this. It's deemed to be a reasonable provision.

The board should make this a widespread provision right across the Province of Ontario. It should be 100 per cent, or the ministry should devise a sliding scale. It would not be difficult for actuaries to take into account the number of dependents. That can be built into

it as well; so that their actual pay is equal to or very close to what their net pay was before the injury occurred.

For the government not to do this, I feel, is irresponsible and a needless harassment of the injured workers in the Province of Ontario; a needless discrimination against those workers.

I personally feel the amendment to 100 per cent is a reasonable one. I have said to the ministry, "You devise a sliding scale which satisfies us and we would accept that." I still defend the 100 per cent on the basis that if this results in the worker taking home a little more money than he did before he was injured this would not upset us because of the obvious human problems involved and associated with an injury—the frustrations, the worry, the pain, and the suffering. We would not object to seeing a worker get \$10 or \$12 a week more for the period of his injury to offset the problems which result from that injury.

Many of these injuries are not such that the man or woman can simply stay at home in bed; they are hospitalized at site not in the community. Often communities do not have specialized medical facilities for the treatment of a particular injury. Although the board pays for the worker, the injured person, to go to that medical facility for his treatment, it does not have any mechanism for paying for the family to visit that injured workman. They often have fairly lengthy stays in that hospital at a distant point.

If you want to make an argument on extra funds that is a fairly compelling one for many people in this province. The family of that injured workman must pay its own travel expenses in order to visit that injured workman and in some cases it means staying a day or two, overnight, in a hotel or motel in a city quite a distance from where they reside. Those additional accommodation and food expenses over what it would cost them to eat in their own home are increased costs which a factor of 100 per cent probably would not be sufficient to cover.

The minister seems to be damned in his ideas on this 75 per cent. I suggest to the minister that he think of all the arguments which can be made for this and have been made for this and to bring forth amendments. If he won't accept it this year let's see them a year from now, so that this obviously severe inequity and this obvious discrimination are removed from this particular part of the operation of the board.

**Hon. Mr. MacBeth:** Mr. Chairman, I would like to ask my friend whether he is referring



to both temporary and permanent injury or would he suggest a sliding scale just for the temporary people?

**Mr. Bounsall:** In answer to that question, I think—I am pretty sure—I am talking of both. The permanent injury—and by that I am referring to permanent partial injury—pension which is accorded, I feel definitely should be based on 100 per cent of that worker's earnings rather than 75 per cent. You can then adjust that according to the cost of living as time goes on or better still the percentage increase in salaries and wages as the years go on.

I think it certainly should be given quite clearly to those who are permanently partially disabled. That's when they need it the most; when they are in and out of hospital and then their families are visiting them. I still feel it is inequitable for the partials which become permanent and a pension results. I feel it should also pertain in all fields where there is temporary partial disability and the employee is still not on the job and still not able to make his earnings.

In the minister's mind am I missing a category I should be covering? Does the minister have another category in mind that—

**Hon. Mr. MacBeth:** Well, no; I can give perhaps some argument that is temporary. I am having a hard time buying anything for the permanent, and when you look at your sliding scale I wonder what other income you would take into account. You see my concern here all the way through is, I sympathize with what you are trying to say for the minimum recipient, but so many of these people, and I would say the majority of them, particularly on permanent, have other sources of income. Some are well to do people. You talk about inequities, inequities can work on the other end of the scale. We are making a law for everybody, and with strength and conviction and sincerity the opposition is pointing out the hardship cases; but there are people who are reasonably well to do who receive these workmen's compensation benefits.

This, for them, particularly when it is non-taxable, is just—I don't like to use the word gravy—but it is extra money. In other words, they have gone on to obtain other employment and they are getting full salary there, and then they suddenly get a payment from workmen's compensation that is tax free. I know your argument to that is that it should all be taxable, and maybe that is correct, that it should be fully taxable. Of course, in that case then, unless all the other provinces

adopted a similar thing, it would again be the Ontario taxpayer who was picking up the cost of it.

We want to be equitable, but you are looking, as I say, and basing the argument for changing the whole law on people who suffer at the bottom end; and I have not at any time suggested that there are not some who do suffer. But at the same time, there are many people receiving workmen's compensation benefits of one sort or another who are reasonably well off.

**Mr. Bounsall:** In reply, I think the minister will concede—I think he has conceded it here this morning—that someone who is on temporary disability—

**Hon. Mr. MacBeth:** When I say temporary, that is probably his only source of income.

**Mr. Bounsall:** All right. So I think the minister has conceded there is some injustice there and that should be looked at.

All right. Let's look at a permanent total disability. We know how hard it is for an employee to qualify for that. He is really not able to do anything. He also has no income that can come from his own efforts. That is how he becomes classified as permanently totally disabled.

But the other category which the minister mentions is those who are on permanent partial disability. All right, those are the persons for whom a pension has been fixed. If it is a back injury and it improves to the point where he or she may be able to return to the workplace, in many cases it is going to be at a decreased job. Certainly if he or she returns to the same job, a job which they perform with a great degree of difficulty, they may be able to get through it. But in those positions where that permanent pension has been granted, we are talking about a percentage that is settled on according to your rating system for injuries, and for a back it is what—an average figure might be 20 per cent? What I am saying is, they are getting that for life because of that injury, and at the moment it is 20 per cent of 75 per cent. They don't get the whole 75 per cent of their average earnings. What we are saying is that it is reasonable that that should be 20 per cent of 100 per cent. It is the base on which you take it. If it is determined that that injury is a 20 per cent one, or an 18 per cent one, or a 27 per cent one, or whatever it is, and that is residual for the rest of his lifetime, that should be based on 100 per cent of his earnings that accrued at the time of the injury, with whatever other

factors you might add with time, like adjustments for the consumer price index. That should be 100 per cent and not simply 75 per cent.

What frustrates me about the minister, when we get into this part of the argument, is that you pick out cases and mention someone who is earning a high salary, a young person in the executive field who has injured his back then gets repaired but he has perhaps got a 20 per cent injury for the rest of his life. That does not impede him from taking up a desk job in the same executive capacity for the rest of his life at a fairly high salary.

You are saying of that person that it is inequitable to be paying him a pension of 20 per cent of 75 per cent or even 20 per cent of 100 per cent, because he is now able to proceed and have good earnings for the rest of his lifetime. That is what makes it a welfare scheme, the very thing about which you object to the Workmen's Compensation Board becoming.

You argue there are some people who because of their position thereafter, are not hampered by the injury. It doesn't decrease their earnings and therefore they continue to make good earnings. You are arguing that it's inequitable for those persons to receive that pension. When you start looking at inequalities of that sort and whether the person needs that particular permanent pension which comes from that partial permanent disability, it's you who are making the welfare scheme out of it.

**Hon. Mr. MacBeth:** We are arguing whether or not it has to be tax-free. That was one of the arguments we were making—that it was not 100 per cent because it was not subject to income tax. I am saying that to get a balance we are trying to get an average position. You, of course, are giving the cases at the low line and that's your responsibility and right and duty. I am trying to point to some at the other end of the scheme, where this might be inequitable at the other end of the scale. What I am asking you, the question I asked was what do you base this sliding scale on? Do you base it on their income from the Workmen's Compensation Board or on their overall income?

**Mr. Bounsall:** Mr. Minister, if you take it on anything other than their income from the Workmen's Compensation Board, you and the board are making a charity out of this rather than making the scheme as it was intended to be—as Justice Roach commented—to replace earnings lost in the work-

place as a result of an injury. When you get into that it is you who are making the welfare scheme out of it, not us.

In reply to your question; yes, it should be 100 per cent taxable on the Workmen's Compensation Board earnings and you don't take into account any other income which they may be able to get or the fact that in spite of their injury they may have got themselves into a job which pays them fairly well. Make it 100 per cent and make it taxable.

I didn't just talk about the hardship cases in the figures I gave. I asked you whether you felt it was inequitable for someone making the maximum which this amended Act proposes \$15,000 or very close to \$15,000—I have figures for \$14,560—to receive the three-quarters amount non-taxable as opposed to the 100 per cent of it taxable. For a single person the weekly difference in payment is \$37.47; for a married man with two children but wife working it is \$38.82 on a weekly basis they are losing; for a man with a wife not working, and two children \$49.02; and for a man and wife not working, and four dependent children, an amount of \$52.

That's at the high end of the scale; that's not necessarily what you would call the hardship cases. Those are the amounts per week that a person in that position is losing—from a single person, \$37.47, to a man with a dependent wife and four dependent children, \$52. This is what is the monetary loss per week; it's fairly substantial. I am saying that loss is unjust.

It should be 100 per cent taxable. If you can't get agreement with the other provinces, just change the federal income tax scheme to make it 100 per cent and taxable; then devise your sliding scale so that whatever per cent you pay on a non-taxable basis is equal to what the taxable earnings would be at the 100 per cent level. It's clearly not there.

You don't take into account that maybe they have income from other sources or, as in the case of two or three of my colleagues in this caucus who were involved in accidents before they came into this Legislature, that maybe they have another form of work which pays them a salary.

You don't take that into account because when you do take that into account in your thinking, then you are looking at it in the way in which you claim you don't want to look at it—making a welfare scheme out of it. You are looking at it in terms of whether or not the person absolutely needs it, rather



than on the basis of equality. So many of them really need it. By far the vast majority need it.

You are talking about the few instances where you have a person who doesn't need it who's in that category. Those are much, much fewer—including the inequality—relative to all those who actually need that pension.

What I am arguing is that you don't consider need at all in a scheme that is to replace a worker's earnings for the salary loss in the workplace as a result of that injury or to pay to that worker, because of an injury in the workplace, a permanent pension as a result of that residual partial permanent disability which he or she will have for the rest of his or her lifetime. You just don't get into looking at it, if the scheme is to work as originally devised and which Justice Roach would like to see happen, as to whether or not that person needs it at some particular point in their lifetime.

**Hon. Mr. MacBeth:** Mr. Chairman, I would just like to say one or two words on it. I have gone over the arguments as to why I thought that the 75 per cent was reasonable. I know you don't accept them, but that doesn't make them invalid arguments. We feel that in most cases 75 per cent is a reasonable figure, particularly with the federal tax being the way it is. If all payments were taxable, and this was common across the whole country, I could see some merit in the proposal; but for Ontario to take that position alone would be wrong, I think. If we were all doing it, as I say, I could see some merit in it.

Again, when I say you are looking at it as a welfare Act, you are looking at those cases—even in the cases you gave for your income tax positions—on the basis that there was no other income. Our information, although it's incomplete—we tried to gather a little information about it, but in some cases the recipients to whom we sent our questionnaires replied that it was none of our business—and they are right when they say that. But the replies to some of the questionnaires that were sent out would indicate that they have other sources of income, and the majority of people who receive some sort of workmen's compensation benefits do have other sources of income. You are suggesting that the majority do not, and you are always using the worst cases, as is right when you are presenting your argument to us; but I have to hit the average or the median case somewhere, and that's what we are trying to do.

Again, both opposition parties are suggesting that industry pays the shot for this and that industry has got some great well that it can go into, and since it's making lots of money anyway, a few more dollars to the Workmen's Compensation Board is not going to make any difference. Again, in some cases that is right, but there are a lot of small businesses that find any additional expense, even though it's only 0.2 per cent or something else, is just one more of the costs of doing business.

I would remind you again of the person who is unable to work through some natural cause such as a heart attack and how he stands against somebody who is injured through a work-oriented accident. Now the two of them are there; both of them pick up the bills for workmen's compensation. The one man who happens to be in the position of receiving workmen's compensation benefit is 100 per cent better off than his counterpart who may have some physical weakness in his body that puts him in that position. Yet the man who was receiving nothing in workmen's compensation is also one of those who is paying for workmen's compensation. This is the point that I can't seem to get across to any of the opposition who feel that, all right, it is just industry which pays. It is everybody—it is you and I and everybody. So, we are trying to do what is right for the majority of people.

That's why I was intrigued by the suggestion of the member for Hamilton East (Mr. Gisborn). When I say intrigued, it is not a new suggestion, but I think it is a reasonable suggestion and a suggestion that maybe, when we can afford to, we will have to come to; where there is overall coverage for all people regardless of what causes their injuries. I am saying today that the Workmen's Compensation Board does give good benefits, but some of the people who are paying for it are less able to pay for it than some people who are receiving it.

This is the kind of inequity, by the member's argument, that can be created. I follow the argument; I sympathize with it. As a government, we would like to pay 100 per cent and maybe something additional for people, although we certainly don't want to encourage people to be injured. I follow the member's argument but we have a responsibility to the whole cross-section of society and we have to keep some balance in mind. And this is what, of course, we are trying to do.

Then there is the other side of all these arguments, too. They are rare cases, but there are some—and the board comes across



them from time to time—where there are people who abuse the system. If you make it more attractive to stay off work, then the temptation is greater to do so. I am not suggesting there are many that do that, or that people would go out of their way to get injuries, but some of it is mental, and there is no question about it. We have discussed this in the estimates. Sometimes people think they are worse off by reason of injuries than they are. Again, these are a minority of cases, but sometimes it becomes attractive to these people, with some kind of imagined injury, to say: "Well, now, it would be better if I had this injury and stay at home." Let me not suggest to you there are many; I am not suggesting that, but there are some. So, there are some limitations to what the government can or should do.

Again, we are not prepared at the present time to adopt the 75 per cent. I am prepared to look at some sort of sliding scale in connection with temporary employment or temporary injury, because I do realize that there are additional expenses. Quebec, I think, is looking at this at the present time, and we may have some help from them as to their experience on it. That point I am prepared to look at. But I am not so sure that I am just prepared to disregard what other source of income a person has. And because I am not prepared to look at that doesn't mean that I am treating it as a welfare Act.

I think there are good and valid reasons for not paying 100 per cent. Of course, traditionally, it goes back to the old legal basis that in some cases a man would not receive compensation from his employer because there was some negligence on his part that led to the accident. The original argument, of course, was that since negligence is no longer a factor in this, the employee must take some of the responsibility involved. I don't think that argument is valid today, but that was one of the original arguments for having a much lower figure than the 75 per cent that is there today.

So, I am prepared to look as a sliding scale and, as I say, Quebec is already. What we are proposing is reasonable, I think. At the present time I am not prepared to suggest that we should move from the 75 per cent.

**Mr. Chairman:** The member for Wellington South.

**Mr. H. Worton (Wellington South):** Mr. Chairman, I would like to urge the minister to support the amendment that has been proposed by the member for Windsor West, and possibly from some of the other pro-

posals he can come up with something better than 75 per cent that has been brought forth.

I offer the minister an example of a gentleman who was injured back in 1973, and whom I visited on Wednesday of this week. He has been on compensation since December of last year and has been in and out of a local hospital and has been in Downsview. His earnings in 1973 were \$177 per week and he was a labourer for a small construction firm. He has a wife and two children. The cheque that he is now receiving and has been receiving since last December is \$144. There is no other income coming into that house. It's beyond what will afford him some other assistance from Community and Social Services. In fact, he doesn't even qualify for full assistance under the OHIP programme.

I feel there is room for improvement in this and I would urge you to come up with some alternative to what the member for Windsor West and other members have suggested, to try to improve this situation so that the injured person can at least make his mortgage payments and continue to live in a normal manner.

I don't think any person is going to stay off work on those wage rates in order to collect compensation. In fact you are protected by the progress reports made by the doctor and I don't think the doctor is going to continue to support a man on compensation if he feels he is capable of returning to work. I urge you, in this time of inflation, to give this consideration at an earlier date than next year.

**Mr. Chairman:** The member for Sudbury.

**Mr. M. C. Germa (Sudbury):** The minister has continuously made the point that this motivating principle is that many of the people who have compensation pensions have other forms of income. Be that as it may, there are various other sectors in society who are on various other pensions from the public purse, and the minister made the wide-ranging argument that in principle he had to be the protector of the public purse and it wasn't only industry he was concerned about. By putting on a means test, this is precisely what the minister is talking about; he is applying a means test. He is saying that no worker, regardless of the efforts he makes, is going to earn any more money than the minister, through his manipulation of legislation, has predetermined.

This really goes back and smacks of welfare. We all know that's how the welfare system works. The minister consistently tries to tell us this is not a welfare scheme yet he

adopts the basic principle of applying the means test.

In this party we have fought long and hard to remove the means test from those incomes which we consider people have rightfully earned because of service to the community. I think the greatest example of that is the breakthrough we had when the means test was removed from the old age security pension. The minister, I am sure, is old enough to remember the days when the means test was applied to people at age 70. After having contributed to this country for that many years they had to suffer the indignity of facing a means test in order to reap an old age pension.

That principle couldn't stand up any more than this principle can stand up but here we have it—a means test is being applied, using the wide-ranging principle that he has to protect the public purse. I could relate that to our own circumstances, to people within this Legislature. There is not going to be a means test applied when we take our pension regardless of any other outside efforts and regardless of any other income we might have. We are going to get a full pension and this is the kind of income which workers have.

If it was unearned income that workers have which the minister was talking about, I might have some sympathy for his argument but any worker who has outside income has it on account of efforts he has expended and it should bear no relationship to the pension which he has earned because of the suffering he has faced as the result of injury in the workplace. I think the whole argument the minister makes is riddled with holes; it is not a valid argument. Maybe he won't concede it today but eventually he has to concede it.

**Hon. Mr. MacBeth:** There is no means test here.

**Mr. Germa:** You are taking into consideration other sources of income. You have repeated the statement at least five times within the last half hour that other sources of income are bringing up this man's earnings. It is not unearned income; it is income which is rightfully his and should bear no relationship.

**Hon. Mr. MacBeth:** I agree.

**Mr. Germa:** Maybe you can explain to me then what you are talking about by other sources of income and what relationship it has to the payment of pensions?

**Hon. Mr. MacBeth:** I didn't raise the question of a sliding scale; it was raised by the opposition.

**Mr. Haggerty:** You made reference to other sources of income. What other sources?

**Hon. Mr. MacBeth:** The reason I made reference to other sources of income is because the cases that the opposition is always putting forward are the hardship cases and you're treating everybody who receives workmen's compensation as a hardship case. I'm saying that's not so.

**Mr. Haggerty:** Mr. Chairman, I don't want to enter the debate again but when you say other sources of income, I've known cases where an appeal has been made to the Workmen's Compensation Board and it has been mentioned that if the injured worker's spouse is working, then that is taken into consideration and they reduced his benefits based on that other source of income, which shouldn't be so. I think that is what you are making reference to when you say that there are other sources of income.

As mentioned by the member for Sudbury, you are going back to the means test. When you take that attitude, about all other sources of income, you are definitely going back to the means test.

**Hon. Mr. MacBeth:** No, I was being dragged down the garden path there pretty effectively. It was the opposition that raised the question of a sliding scale. When I say I think there is some merit and I'll take a look at it, then you accuse me of wanting to bring in a means test. Now, let's forget the whole sliding scale business.

**Mr. Haggerty:** We don't want you to do that.

**Mr. Bounsall:** Mr. Chairman, on that point, we can't let the minister get away with that. We've said bring in a sliding scale so that the wages as near as possible of 100 per cent taxable are adjusted to a percentage that is non-taxable. Bring in a sliding scale of those percentages—80, 90, 95 per cent; in some cases it will be 99 per cent—so that the non-taxable amount equals the amount that he would be receiving if it was taxable. That's the sliding scale we've asked you to bring in so that the take-home pay for tax purposes alone, with only that deducted, is equivalent.

What we're saying about a means test is that whenever you mention anything about a worker who may be receiving income from outside source in addition to his pension, it's



you who are applying a means test. It's you who are saying that that worker doesn't deserve it because he's got an income from some other source and that therefore we have to look at these incomes from other sources. That's the means test.

**Mr. Chairman:** Mr. Bounsall has moved that section 6(1) be amended by substituting "100 per cent" for "75 per cent" in subsections 1 and 5 of section 42 of the Act.

All those in favour of Mr. Bounsall's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the "nays" have it.

**Hon. Mr. MacBeth:** I think the others have been stacked, Mr. Chairman. There is another amendment that's been stacked; maybe this can be stacked too.

**Mr. Bounsall:** We'll stack them all.

**Mr. Haggerty:** One more point on section 6. I want some clarification from the minister in dealing with a vocational rehabilitation programme. Just what vocational rehabilitation is there available for persons who will come under this programme? Are you going to buy into the Canada Manpower schemes so that they can be trained through their programmes and then the board will pay a portion of that?

**Hon. Mr. MacBeth:** I think that is right, Mr. Chairman. We're not hide-bound in regard to it. I think we are ready to consider any reasonable place where they can go to get additional training, whether it's our own, whether it's the community colleges or whether it's tied in with the federal schemes.

**Mr. Haggerty:** Well, when will you move in that direction? For example, if a person has been injured, will you move within a reasonable period so that he is able to go back to work? If he can't get light modified work, will you move in as early as possible to get him into such a scheme?

I hate to repeat the number of cases that a person takes before the Workmen's Compensation Board, but I appeared there for one person about three weeks ago and finally they're going to put him into some rehabilitation programme. Maybe it will be an educational programme or a vocational programme, but that's four years after the accident.

I hope the board is not going to bring in a scheme under this section that says, in effect, "We'll put you in a vocational train-

ing school five years after the accident." I hope that you move much quicker than that.

**Hon. Mr. MacBeth:** I hope we move much quicker than that too, Mr. Chairman. There must be some special circumstances surrounding that. I don't know what they are. Mr. MacDonald is here this morning, I am sure he will be glad to discuss that case with you later. Our wish is to get them back into full employment or the work they can do as quickly as possible, and it follows that we put them into the training courses as soon as they are physically able. We have been criticized that we have been pressing them too quickly into physical rehabilitation. I suppose in some cases the physical rehabilitation has to come before they are retrained. I think we are trying to do it as reasonably as possible. If you have a particular case perhaps you could mention it to Mr. MacDonald.

**Mr. Haggerty:** I don't want to mention particular cases. Do you have any other rehabilitation centre that is available for injured workers in the Province of Ontario? Is there a Jewish centre or something here in Toronto?

**Hon. Mr. MacBeth:** I think we use various facilities around the province. We have our own hospital here in Toronto. I think we will use just about any school that is reasonable. Mr. MacDonald is nodding yes. Is there a particular school you wanted to know about?

**Mr. Haggerty:** No. In this one particular case before the board it was mentioned that they weren't going to send the person to the rehabilitation centre in Downsview but were going to send him to some other rehabilitation centre where perhaps they did more in the educational end of it and there was the possibility he could be rehabilitated through better forms of education. They mentioned a Jewish centre in Toronto and they decided that's where they were going to send him. Then the letter came back to me indicating that he was going back to Downsview. I thought perhaps you had another assessment centre here that would put an evaluation on his educational capabilities.

**Hon. Mr. MacBeth:** I think that particular case, Mr. Chairman, may best be raised directly with the staff.

**Mr. Chairman:** Shall section 6 carry?

**Mr. Bounsall:** No, I have comments on section 6, subsection 2, Mr. Chairman.



Here again, I feel that an amendment under this section would be useful. I won't place it because it is the same as the amendment which virtually is the amendment which is already on the floor and which has been stacked. This is where, under subsection 42(8b) of the Act, as indicated in section 6(2) of this amendment Act, it would be the proper place to add that the pensions thereafter be adjusted annually by the same percentage as the percentage change in the consumer price index and by 12 per cent for each of the years 1972 and 1973 and by six per cent for each year from 1945 up to and including 1971.

This is the change which was made last year. This is where the re-evaluation occurred in the Act of last year. The argument was the same as already placed before the House in this bill under a previous section that that change was only one-third of what it should be and it accounts for only a 60 per cent adjustment to the workers' pension in total. The consumer price index change was triple that, 180 per cent over those years. That is the base upon which we should add any increase in the worker's pension. For this past year we have added a 10 per cent increase which is exactly equal to or 0.1 per cent off what was the actual consumer price index.

We would like to see in this section an automatic adjustment of those pensions from here on in, according to the consumer price index. It would save the minister coming back to the House year after year in the month of June—and we would hope that it would occur no longer than yearly and therefore in the month of June—with amendments that would by themselves increase the pensions by the consumer price index increase. It's the same type of amendment as placed previously so I won't place it in section 6(2) as an addition to 42(8b) that is mentioned there, but this is where it should go. It's in principle the same as the one before it and the argument is the same, that we have the improper, very low base upon which we are adding a 10 per cent increase for this year.

Although we do not argue with the 10 per cent increase for this year, because it has been added to a base which is one-third in its increase of what that should have been adjusted to a year ago, we find this is one of the major defects of the bill. We find and feel very strongly that that base should be properly adjusted before one adds the consumer price index percentage as a percentage of these pensions.

So, Mr. Chairman, I will not place the amendment because it is similar to the one

we have before us, but that same amendment before us should be taken in its totality and placed in section 6(2) of the bill as an addition to subsection 42(8b) of the Act as outlined here.

I have another one of those subsections that I would like to speak to as well, Mr. Chairman, but perhaps some other person wishes to make remarks on the topic of the proper adjustment that should have been made to the pensions over the past years so they have the proper base. I would yield if there is anyone who wishes to speak at this time. No?

Okay, in subsection 6(3), that portion of the bill that refers to subsection 9 of section 42 of the Act; this is where the Act clearly indicates that any of these adjustments do not apply to a commutation lump sum award. I feel this too is discriminatory, Mr. Chairman, in this respect at least—that any person who had an injury which was deemed to be permanent and partial to the extent of 10 per cent or less, had no choice at all as to whether or not to take a commutation. The Act really lays out that they must take that commutation and that commutation lump sum award was paid. They had no choice.

It's different from a case where someone had an award that was greater than 10 per cent and were able to convince the board that some of that award, rather than in a pension over the years, should be commuted and that they should receive a portion of their award as a lump sum. All right. I understand those people were warned at the time that if they took a commutation and a lump sum award, if there was an adjustment to the pensions, they stood to lose it.

I don't know how clearly they were told this, but in the cases on which I have written to the board and dealt with the board over commutations, it has been my impression that the worker applying for that commutation was clearly told that if there were increases that increase would not apply to the lump sum which he had taken as a commutation.

I am not sure they all quite understood what it was they were being told, but it appears the board made an effort to make that point to the workers when they have applied for a commutation. In most instances, it wasn't a big factor in their minds, because they needed that particular lump sum of money as a commutation for a business they were hoping to go into or to help provide a down payment on a house. The fact is that there was no indication that they would ever be increased until last June. That there may

have an increase in it did not play a big part in their thinking.

Part of the reason it didn't play a big part in their thinking is, of course, that the board had never done it until last June; although they had perhaps talked about it for years and had certainly been urged by members in this House to increase the pensions by a factor—if not the salaries and wages percentage increase—at least equal to the rise in the consumer price index. The workers no doubt had heard of this, but nothing had occurred; and therefore wasn't a big consideration in their thinking.

The board perhaps bears some responsibility for it not being a large factor in their thinking, because for so many years you had made no adjustment, even though you talked about it to them when you talked about commutations. From that idea, perhaps I think one could arrive at a situation for requested commutations which have occurred in the past, you should add the percentage increases to them and either pay it out in a lump sum again or make it a part of the pension, which in most cases is still occurring because they didn't get all of their pension in a commutation. I think it's probably fair.

And just to add to that, what is certainly unfair in my thinking is the treatment of all those Workmen's Compensation Board recipients whose injuries were 10 per cent or less, and to whom the board gave no choice in terms of a lump sum award. They said: "You take this lump sum award whether you like it or not." They had no choice of a pension continuing over the years as a result of that permanent partial disability.

When you have an Act coming in which adds, as it did last June, percentage increases to those pensions—again this Act amending for the past year, adding 10 per cent to those pensions—I feel it is only just that it should be given to those persons who were forced—they had no choice—to take a commutation lump sum award. If they had not been forced they would have been receiving a pension and the increases would have automatically been added to those pensions.

I know the minister doesn't agree because we brought this up a year ago. It was June 28, 1974, and it was an argument which the minister said he would consider. The bill comes forward and it makes it very clear in this section that the increases will not apply to a commutation lump sum award so the minister has made his decision on that.

I suggest very seriously to the minister that for those forced to take a commutation, who had no choice in the matter, he again recon-

sider giving a pension or the proper commuted lump sum award to those people based upon the increases granted to all those who were on pension.

**Hon. Mr. MacBeth:** Mr. Chairman, I appreciate the argument my friend has made. Yesterday the leader of the NDP was talking about a case in which the man was seeking commutation and the board had not consented to it. The theory was that it was all right to receive the lump sum because, in time, he would invest it in a house and the value of that house would go up or down with the market. That some theory applies whether it's a small amount or whether it's a large amount.

Those people who received a lump sum payments had smaller claims and rather than send a cheque for \$5 or \$6 on a monthly basis the board pays it to them all at one time. To me and the board it makes good sense and presumably the people who have received this money have treated it in the same way as the person who wanted to put it into a house. They may have put it into a house or something else of that nature and the value of it has gone up.

Now you want to say they should get it twice, I'm against that theory. In other words you want to let them get the capital increase on the amount they originally received and let them have the additional payment at this time. I say that is not done with commutations.

Last year, the member for High Park (Mr. Shulman) suggested he had been working on a case where he had recommended a commutation. It was a few weeks before the amendment came into the House. I agreed with him that if that was the case and we had knowledge of something which the applicant didn't, we had a duty, perhaps, to point that out and I would follow up that one. When we did try to follow it up we couldn't find any such case, nor did the member for High Park produce any further evidence in regard to it. We couldn't find that there had been any recent commutation in which he had been involved. That came to a dead end, but I did think there was some responsibility on the board, if it knew we were about to bring in amendment increasing it, it should have pointed that out. As I say, didn't have any success in following up that specific instance the member for High Park referred to. We couldn't follow that up. But as far as the theory of commutations is concerned, I think it is, as I've already stated, and as your own leader suggested



yesterday, that commutations in certain circumstances were all right and that presumably the value of the money received would keep pace with the market.

However, there's additional very practical point, and that is the number of these claims and the smallness of them. We don't have records in many cases. The matter is closed off. As I said to you, we have about 443 reports sent into the board every year in connection with accidents. Many of those result in small lump-sum payments. We just don't have any way of pulling them out and tracking them down in any way.

Yesterday, again, the board was criticised because it didn't get after certain cases, particularly in the area of occupational health diseases. This is easily said by the opposition that they should be followed up, but it's a case of the many claims and the many records we have. This is one of the best examples why we can't do some of these things that you think we should be going through, because there are thousands and thousands of cases of these where the records have been closed. I don't say they're lost, but they're filed away in old archives and it would be a tremendous job to pull these files out. We'd have to go through all our files for years back, and you're asking us to do what would be a very time consuming, expensive job. It would cost probably for more to do the job than the amounts involved to make the payments.

**Mr. Chairman:** Section 6(3) carry? Carried.

Is section 7 of the amending Act carried? Carried.

Section 7 agreed to.

On section 8:

**Mr. Bounsall:** Yes, I have remarks to make on section 8, Mr. Chairman. I'll place an amendment and then speak to it later.

Mr. Bounsall moves that section 8 be amended by replacing, "\$90" with "\$120", in subsection 1; and two, by replacing "\$400" with "\$515" in subsection 2.

**Mr. Bounsall:** Mr. Chairman, I said in my earlier remarks that the board, in a sense, is getting to the point which they should be getting to in these minimums. However, they haven't quite got there yet, in terms of what we in the New Democratic Party would see as the reasonable minimums.

In the year 1973, in calculating the minimums for the temporary totally disabled and for the permanent totally disabled, it was clear how you had arrived at those figures,

and that was by taking a 40-hour week, multiplying it by the minimum wage at that time and applying your 75 per cent factor, on a monthly basis or on a weekly basis. They turned out the figures of \$250 and \$500 respectively.

Last year there was no change at all in those minimums, and if you apply your same criteria on that basis for this year, still retaining your 75 per cent figure but using what we proposed at that time was the proper minimum wage factor; that is rather what it is at the moment, \$2.40 an hour, using a factor equal to 60 per cent of the average salaries and wages, you in fact come out to the figures which appear in this section of the Act. Sixty per cent of the average salaries and wages at the moment is \$200 a week. In Ontario at the end of May, 60 per cent of that is \$3 an hour. If you multiply that by a 40-hour week and take three-quarters of that as is your wont to do throughout the entire operations of the board for calculations of pensions and compensations, you get the \$90 a week which is the minimum for temporary total disability and you get a figure of \$388 a month, which is pretty close to the \$400 a month you put in for permanent total disability—just a little bit beneath it.

We applaud the minister in applying that particular type of formula, for taking the current minimum wage times the 40 hours in his calculation. Again, our only difference would be that we would pay it 100 per cent rather than apply the three-quarter factor. When you apply it at the 100 per cent level rather than taking three-quarters of it, you would come out with the temporary total disability factor of \$120 a week and you would come out with the permanent total disability factor of \$515 a month.

These are the bases of the amendment to those particular figures. We would arrive at those figures by taking what we feel is the proper minimum wage—\$3 an hour at the moment—times the 40-hour week, and on a weekly basis applying 100 per cent rather than three-quarters, as you have done to get your figures. This would come out in our terms to \$120 a week and \$515 a month.

I might point out, Mr. Chairman, that these are not unreasonable figures. These are not unreasonable figures. For permanent total disability the figure in your bill of \$400 a month still only gives \$4,800 a year to a recipient. There is no part of the Workmen's Compensation Board scheme, apart from where a person has been killed in the workplace, that takes into account the number of dependants. It shouldn't; it should be replacement for earnings in the workplace.



This \$400 a month or \$4,800 a year is low in terms of what even an individual can subsist on these days, let alone someone who has a dependent wife or dependent children. The increase as a minimum to \$515, as we suggest for the monthly pension, is not out of line. It would provide about \$6,300 a year as a minimum, based on a monthly rate or on a weekly rate of the same amount as the minimums that an individual should receive. The Act already allows that if the earnings of that person were less than those minimum amounts they would get those earnings. What we are saying is that the minimum amounts should be \$120 a week and \$515 a month.

I would urge the minister to continue to use a formula basis to arrive at figures of this sort which they put into the Act. If you are using a formula and a rationale other than the one which was very clear in 1973 to carry through by and large in 1975 using a proper minimum wage base, I would like to hear it. This is the way that I can see these figures arrived at.

If you are using some other rationale, give us your rationale. Proclaim what your rationale is in arriving at these minimum figures. It should not be just something which you intuitively pick out of the air. You should have good solid reasons as to why these figures are here.

I can determine a rationale for the figures which are here and for the figures which appeared in the last amendment in this section in 1973. I thought they were fairly reasonable but low. We have suggested higher figures and laid out the rationale upon which we would base our calculation of the figures we would see here.

I would be very disappointed, but perhaps not surprised, if I heard that you really do not have a rationale for these figures. If you don't have a rationale, then figures in next June or successive Junes, as you come in to amend this bill, will have no rationale to them either. You'll simply pick some nice round figure out of the air to apply to the Act.

I can see that if your calculations produced a number using some formula or some particular rationale of \$388 a month or \$392, we wouldn't object to it being rounded upward to \$400. In fact, if your rationale produced an amount of \$403 a month, or \$406 a month, we wouldn't object to it being rounded off to something like the \$400.

But let's see your rationale. Let's see your formulation which causes you to bring out

figures of \$400 per month for permanent total as a minimum and figures for \$90 a week for the temporary total disability. If you don't have one, you should devise one.

I can perceive a formula in the figures myself. I would like to fully understand from you what rationale or formula you have used. It may not be the one that satisfies me, but it may make sense to me when I try to sit down and determine how you arrived at the particular figures.

So, Mr. Minister, I place these amendments. This is the rationale and the formula that we would use in arriving at our amendments. I have no doubt that these amendments will not be accepted by the minister, since he is not in the mood to accept amendments to this Act this morning. But more importantly, you should lay out for the members of the House your rationale for arriving at the particular figures which you have in the bill. I would like to understand exactly how you've arrived at it; what formula, if any, you have used in arriving at it.

If you haven't a formula, you shouldn't go on simply in terms of putting numbers into this Act—picking figures out of the air as ones that sound like nice, rounded off figures to place in the Act—or to do it simply on the basis of what you think employers in this province can afford to pay. That is not an adequate way of doing it. That shows no rationale at all and shows no consideration for the injured worker in this province whom you are trying to compensate on a basis somewhat equal to his earnings—and for those workers set an absolute minimum.

The changes to this Act in terms of cost to the employers, and your arguments on cost, have never impressed us very much—even with the complete total changes that are brought in by this particular Act. The employers' contribution for safety in this province, through this particular Act, is still around the two per cent figure. It was 1.5 per cent of his payroll.

As I see it in the totality of the amendments today, it increases it by 0.6 per cent of his payroll costs. This is, of course, only a portion of a manufacturer's total cost, and so we are in the vicinity of around two per cent.

The argument that one cannot adjust these to a fairer amount is to me not an argument. I understand, as in any situation, there may be some small employer who will say that an increase of 0.6 per cent of his payroll is an undue burden on him.

I would like to know of the cases, if any, in Ontario where it can be shown that

Workmen's Compensation Board payments by that employer have been the cause of his going out of business. I can hardly believe that, when on the average it has now just reached two per cent of his total payroll. But to use the considerations of how much you think you might be able to lay on employers in the province in a given year without getting too many letters from them saying, "My God, we are going to go out of business if we can't pay for them"—that, to me, is no adequate rationale. That is not the way the board should be adding up its figures or dealing with the workmen of Ontario. Rather there should be a formula which you think is fair, a formula which you have clearly in your mind so you know what you are doing or what you should be doing in future years; and if you don't have a formula, there should be a clear, concise rationale for arriving at the particular figures in this Act.

**Mr. Chairman:** The hon. minister?

**Hon. Mr. MacBeth:** Mr. Chairman, I appreciate the hon. member asking me for a clear, concise rationale. I think he repeated himself six times in what he was saying.

Interjection by an hon. member.

**Hon. Mr. MacBeth:** I am not going to give him any clear, concise rationale.

**Mr. Bounsall:** You don't have one.

**Hon. Mr. MacBeth:** Certainly we will look at minimum wages, but the proper amount of any of these payments is a matter of judgement from time to time. The process is that the recommendations are made by the board to the Minister of Labour, taken before the policy committee and discussed in cabinet. Any one of these—the board itself, the policy committee, the minister or the cabinet—may have some input on this thing. As I say, it is a matter of judgement of the government of the day.

You speak lightly of fractional percentage increases. This will result in total additional collections of some 11 to 13 per cent overall from the people of the Province of Ontario. I am not saying that is the criterion, but certainly it must be looked at. You just look at the fractions for one of these items alone and suggest that 0.2 is nothing. Well, 0.2 in some of these cases is millions of dollars.

I don't want to leave the impression that we look first and foremost at the effect on the community. We do not. We try to find

in our mind what is right and reasonable for the workman involved or his dependents. I know you don't feel the figures that we have put forward are right and reasonable, but that is a matter of judgement and I am afraid must remain with the government to be a matter of judgement.

**Mr. Bounsall:** You have gone through the explanation of the various ways that suggestions come forward from the board and from the ministry, all of which end up in cabinet, and how, in the various consultative areas, the proposals that come forward may be changed.

At any time before it gets to cabinet, is there a formula or a rationale put forward from either the Workmen's Compensation Board or your own ministry as to the amounts that would result in arriving at the particular amounts which appear in the bill for these two particular minimums? Is there a rationale that is used?

With the cabinet that sits over there, I can quite appreciate that a rationale put forward for an increase could well be turned down by that cabinet; but at either source is there a formula or a rationale clearly laid forward that would lead to the figures in this Act, even if some other figure results by the time it has gone through cabinet?

**Hon. Mr. MacBeth:** Mr. Chairman, I have said the board and the ministry do look at the minimum wage; that is certainly one of the considerations. I simply said there are many considerations and that is not the only one.

**Mr. Chairman:** The member for Welland South.

**Mr. Haggerty:** Thank you, Mr. Chairman. I want to talk about the amendments and support the member for Windsor West when he says that \$90 a week is not sufficient to maintain anybody through an injury. I don't think you have taken into consideration the minimum wage that is available now in the Province of Ontario. I believe you indicated that you are going to bring in another amendment to the minimum wage; perhaps it will be \$2.75 an hour, in which case the \$120 suggested by the member might be up around the minimum wage.

I am a little bit alarmed that the minister hasn't taken into consideration the white paper that is being discussed now by the different Health Ministers, including the federal Minister of National Health and Welfare and the Minister of Community and Social



Services (Mr. Brunelle) of the Province of Ontario. They have indicated that pensions are under discussion and that there should be a maximum above the poverty level; they have suggested, I believe, well over \$6,000. The amendment that the member has put forward will bring it up to about \$6,000. Perhaps that is where he has the \$515 as the minimum which will be paid under subsection 2 for permanent total disability.

I am sure you must have read some of those reports and literature which have come out of those meetings with the federal minister and provincial ministers. I am sure the Minister of Community and Social Services has endorsed some of those proposals and they will be coming forward to the different governmental levels. We are looking at a level which puts persons above the poverty level. I think this is what we should be looking at.

In any pension scheme, even for a disability under workmen's compensation, I think you have to take into consideration that there are other commitments an injured person has to live up to, to which he was committed, perhaps, long before the injury occurred. If you are paying for a home and perhaps other home necessities \$400 a month isn't going to go too far. I suppose you will come back and tell me he has another source of income—perhaps a spouse is working; I don't know. I think in this particular instance I would have to support the amendment of the member for Windsor West.

**Mr. Chairman:** All those in favour of Mr. Bounsall's amendment please say "aye."

All those opposed say "nay."

In my opinion the "nays" have it.

I declare the amendment lost and section 8 of the bill will stand as part of the bill.

Sections 8 and 9 agreed to.

On section 10:

**Mr. Bounsall:** I have something on section 10, Mr. Chairman. I will be very brief. I'll place it in the form of an amendment.

Mr. Bounsall moves that section 10 be amended by deleting everything following "Act" in line one, and substituting therefor, "is amended by deleting everything after 'remunerated' and substituting therefor 'and there shall be no maximum.'"

**Mr. Bounsall:** I must admit that amendments to this particular section of the Act, section 44(1) as laid out in section 10 of this amendment bill, are always rather difficult to

do and make sense in terms of wording. Section 10 in this amendment Act makes it very clear as far as it can but whenever one tries to amend an amending section which amends section 44(1) it is always rather difficult. It will be clear what I am doing here. The subsection as amended—section 10 of this amendment Act—would read 'Subsection 1 of section 44 of the said Act is amended by deleting everything after 'remunerated' and substituting therefor 'and there shall be no maximum'.'

You then look at section 44 of the Act. Section 44 of the original Act would then read, "Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the employee was remunerated and there shall be no maximum." That is the way section 44(1) of the original Act would read as I have worded the amendment to section 10 of this amendment Act.

It's quite clear in principle, Mr. Chairman. The very simple point I am trying to make here is that there should be no maximum in this Act upon which workmen's compensation pensions should be based. I know the minister will say, as he has said in the past, that a person who is earning maybe \$20,000, \$30,000 a year or more does not need a pension, a temporary disability pension, based on those high earnings, and should he have a permanent partial disability of let's say 20 per cent, he should not expect to receive 20 per cent of 75 per cent of let's say a salary of \$30,000 as a permanent pension.

We disagree, because the scheme here, Mr. Chairman, should cover everyone in the province. If someone is making \$30,000 and becomes injured to the point where he can't work while he is on temporary total disability, we feel he should have a compensation payment from the board approximating whatever his earnings were. We feel that is the only way. We do not feel that someone who is making \$30,000 should have as his maximum income the maximum compensation he or she could get, the amount which this bill would allow, with its maximum of \$15,000. On which you then apply your 75 per cent which gives you a figure of \$11,250.

We feel that for those people, about whom you could say, 'Well, they have been making \$30,000 a year, they should have enough saved up and have investment income from other sources so that they don't need any more than \$11,250 annual rate at the time for which they are temporary totally disabled and, thereafter, if there is a residual permanent disability which is partial, they should have that based not on a percentage of



\$30,000, but based on a maximum of a percentage of whatever that injury is, of \$11,250." It just doesn't make sense.

If a person is deprived of earnings the whole Workmen's Compensation Board scheme, as I see it, is to replace those earnings. There should not be any sort of maximum on it at all. Bear in mind that in the vast majority of the cases, we are not talking of compensable injuries where the persons make large salaries. The vast majority of them are not in this category. Perhaps the board could tell us, for any given year—last year or the year before—what percentage of injuries to workers are there in which those workers make more than what it put in the Act, \$15,000 a year. That would be an easily acquired figure. They have it in their statistics, I am sure. That would be a very interesting statistic. But to us, it just isn't reasonable that there should be a maximum on that at all, and that certainly the \$15,000 maximum that is placed in the Act is not at all reasonable when it produces, after you apply your 75 per cent, the \$11,250 maximum amount which that person could get. I am afraid we are probably back into the same argument with the minister. Perhaps his argument will be that he can't afford it. I don't know what his argument will be on this. I suppose it would have to be purely on the basis of not being able to afford it. I can't see any other really valid argument. I will get back into the argument as to whether or not it is a welfare scheme if any other remarks are made.

It just seems so very, very reasonable to us in an Act of this sort—irrespective of what other jurisdictions do—that there should be no maximum on which compensation can be paid for a temporary total disability, or a maximum on which a permanent partial disability pension is thereafter paid. Certainly, there are very few cases of which I am speaking where the people have a salary in the \$30,000 range, and I would be interested in that statistic if the minister has it.

**Hon. Mr. MacBeth:** All I can say is that the Workmen's Compensation Board payments are funded, as you know. To leave this without a ceiling would make it a very difficult and expensive proposition to try to cover that. As I have said before, there is some responsibility, we feel, for people making this kind of money to do something to protect themselves. It comes back to the same argument that I have used in other sections, that many of the people who are helping to pay the costs involved here are people who are not getting anywhere near \$15,000 or \$12,000 a year.

**Mr. Chairman:** All those in favour of Mr. Bounsall's motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the "nays" have it.

I declare the amendment lost.

Section 10 agreed to.

**Mr. Chairman:** Does any member wish to speak on any section of the bill before section 15?

**Mr. Bounsall:** Section 12.

**Mr. Chairman:** The member for Windsor West.

On section 12:

**Mr. Bounsall:** On section 12, Mr. Chairman, as far as I can determine, the amounts for the allowances for replacement or repair of clothing worn or damaged by reason of wearing a lower limb prosthesis or the \$84 in respect of the upper limb prosthesis were adjusted just a year ago in 1974. The minister is bringing in an amendment to this section which does improve it in that it allows for an allowance for the repair of worn or damaged clothing as a result of wearing a back brace or a leg brace, provided those braces are supplied by the board. He has added the back brace and the permanent leg brace to that.

We support this. This is something which it is reasonable to do. But having brought in the section to deal with that small amendment, which is indeed an improvement, why did he let the figures stay the same? The board knows and the minister knows that the price of clothing has escalated severely over the last year. I believe the figures that took effect last year were for the year 1974. Clothing has gone up by a considerable amount during this past year and it doesn't seem reasonable, that you haven't adjusted the figures.

I'm not going to get into the game on this one of suggesting the figure to which \$168 or \$84 should go. You have the percentage increase in clothing costs that have occurred over the year. It's not as high as the consumer price index cost, I understand, it is not quite as high as 10 per cent. Having brought in the bill, one would have thought you could have adjusted that figure by at least the amount by which clothing has increased over the year.

Secondly, would you not find it reasonable to put a figure into this section for bedding allowances for paraplegics. There are injuries in the workplace which result in persons becoming paraplegics. They do not have

a clothing problem. They are virtually confined to bed.

Being virtually confined to bed, there is a considerable amount of additional wear and tear on bedding. Would the minister and the board not find it reasonable that there might be an allowance for those few recipients who are paraplegics? This would be the section in which it would fall. Perhaps it could be something not exceeding \$100 a year per annum as a bedding allowance for workers who have become paraplegics as a result of an injury in the workplace.

**Hon. Mr. MacBeth:** Mr. Chairman, I don't know how I can make any comment on that. It's one of these cases where, no matter what we do, you are suggesting we are not doing enough. This thought of bedding allowance is new. I am not going to say that is unreasonable. I suppose there are many other things that you could suggest. These are the figures. Again, it is a judgement call that we have come up with. I think they are reasonable. They're an improvement. I think the hon. member has got to leave us a little to do next year.

**Mr. Bounsall:** Just one other comment, these are the same figures that were in the bill last year. There is no improvement on the figure. What you've done is you've added the back brace and the leg brace as things which could be compensated for when there is wear on clothing or damage to clothing. I just suggest that you perhaps should have adjusted the figures. I hope you will have a look at how many paraplegics there are and allow a bedding allowance for that in other years. I expect to see it—or rather hope to see it in the bill next year.

One other thing occurs to me. I have a Workmen's Compensation Board recipient in my riding who had a shoulder injury. Shoulder braces are not very common, and a shoulder brace was specially devised for her. In fact shoulder braces are so uncommon that the board took two or three months to make up its mind whether it could pay for a shoulder brace. It wasn't the common type of brace—like back, leg, neck and so on—and they finally convinced themselves that a shoulder brace might do some good and they therefore paid for that shoulder brace.

Because a neck brace would generally be outside of the clothing worn by a recipient, it is not accounted for in this particular Act. But that particular shoulder brace would produce some damage and some additional wear and tear on the clothing worn on the upper part of the body. It doesn't fall into

the upper limb prosthesis and it isn't a back brace. It certainly isn't a leg brace.

Would a person who has a shoulder brace, even though it's not specifically laid out here in the Act, be considered for a clothing allowance up to these maximums under this section of the Act?

I suspect they wouldn't, but shouldn't the Act be amended to account for braces, other than just those specified here and your additions of this year, which obviously are going to produce wear and tear on clothing?

**Hon. Mr. MacBeth:** Mr. Chairman, no, they wouldn't qualify. The thought is that these other kinds of braces—some of them worn only temporarily—don't do that much damage to clothes.

**Mr. Chairman:** Does section 12 carry?

Section 12 agreed to.

**Mr. Chairman:** Do the members have much to say on sections 13, 14, 15 or 16 which are still left to amend? If not, we will—section 15?

**Mr. Haggerty:** No; section 14.

**Mr. Chairman:** I think we should rise and report.

**Hon. Mr. Winkler** moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House reports progress on one bill and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, on Wednesday next we will proceed with the same debate in committee, Bill 106; to be followed by item No. 20, Bill 111; and the fifth item, Bill 14, the Environmental Assessment Act.

Now I would reserve the right to switch those last two items if necessary, depending upon the timing—but I don't think that will affect the members greatly.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1:00 o'clock, p.m.

---

ERRATUM

---

No.	Page	Col.	Line	Should read:
88	3435	1	50	House in committee on Bill 106, an Act to



## CONTENTS

---

**Friday, June 27, 1975**

Beef calf income stabilization programme, statement by Mr. Winkler .....	3451
Dump truck operators' agreements, statement by Mr. Rhodes .....	3452
Deaths of summer students, statement by Mr. W. Newman .....	3452
Assessment Act change, statement by Mr. Meen .....	3452
University scientific study supplies, question of Mr. Auld: Mr. Breithaupt .....	3453
Recreation land ownership, questions of Mr. Bernier: Mr. Breithaupt, Mr. Stokes .....	3453
Orenstein and Koppel (Canada) Ltd., questions of Mr. MacBeth: Mr. Breithaupt, Mr. Lewis .....	3454
Beef calf income stabilization programme, questions of Mr. Winkler: Mr. Lewis, Mr. MacDonald, Mr. Breithaupt .....	3455
Working conditions at Chromasco, question of Mr. Bernier: Mr. Lewis .....	3456
Muskoka area education costs, question of Mr. Beckett: Mr. Lewis .....	3457
Assessment Act change, questions of Mr. Meen: Mr. Lewis, Mr. Shulman .....	3457
OHC letter to tenants, question of Mr. Irvine: Mr. Lewis .....	3458
Janitorial contracts, question of Mr. Auld: Mr. B. Newman .....	3458
Opportunities for women, question of Mrs. Birch: Mr. Foulds .....	3459
Conestoga College dismissals, questions, of Mr. Auld: Mr. Breithaupt, Mr. Good .....	3460
Murders in Toronto, question of Mr. Clement: Mr. Ruston .....	3460
Assistance to children with learning disabilities, question of Mr. Brunelle: Mr. Martel .....	3461
Subsidies to municipalities for bicycle paths, question of Mr. Bernier: Mr. Haggerty .....	3461
Dump truck operators' agreement, question of Mr. Rhodes: Mr. Young .....	3461
Construction of modular housing, question of Mr. Irvine: Mr. Sargent .....	3462
Hospital disputes inquiry, question of Mr. MacBeth: Mr. Bounsall .....	3463
Drainage Act, Mr. Stewart, first reading .....	3463
Tile Drainage Amendment Act, Mr. Stewart, first reading .....	3464
Provincial Schools Negotiations Act, Mr. Wells .....	3464
Third readings .....	3464
Concurrence in supply, Revenue .....	3465
Concurrence in supply, Community and Social Services .....	3465
Concurrence in supply, Colleges and Universities .....	3465

---

Concurrence in supply, Transportation and Communications .....	3465
Concurrence in supply, Consumer and Commercial Relations .....	3465
Concurrence in supply, Provincial Auditor .....	3465
Concurrence in supply, Office of the Assembly .....	3465
Concurrence in supply, Management Board of Cabinet .....	3465
Concurrence in supply, Environment .....	3465
Workmen's Compensation Amendment Act, in committee .....	3465
Motion to adjourn, Mr. Winkler, agreed to .....	3482











# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Wednesday, July 2, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159)

# LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JULY 2, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

Oral questions. The hon. Leader of the Opposition.

## BEEF CALF INCOME STABILIZATION PROGRAMME

**Mr. R. F. Nixon** (Leader of the Opposition): In the continued absence of the Minister of Agriculture and Food (Mr. Stewart), Mr. Speaker, I would like to put a question to the Chairman of the Management Board who made the statement and introduced the legislation regarding the cow-calf support programme.

Has he undertaken to consult with the Ontario Federation of Agriculture before the bill is proceeded with on second reading and is he aware of the strong feeling from the Federation of Agriculture and the Ontario Farmers' Union that the provisions of the bill are inadequate and seriously inadequate? Is he prepared to consult with them further before we go on with the bill or has he some other alternative?

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, the first part of the answer must be that there is no bill. It was a statement of policy. In regard to the negotiations that took place—and they did take place though I was not privileged to attend those meetings—I would suggest that possibly after the parliamentary assistant (Mr. Eaton) arrives the Leader of the Opposition might ask him, because he did participate in those meetings.

**Mr. R. F. Nixon:** A supplementary: Since the minister made the statement indicating the legislation would be introduced, would it be practicable if the policy secretary responded or is there anyone here to give us information?

**Hon. A. Grossman** (Provincial Secretary for Resources Development): What is the question?

**Mr. R. F. Nixon:** That's on the cow-calf support programme which was announced on Friday.

**Hon. Mr. Grossman:** Yes, I know the difference between a cow and a calf.

**Mr. R. F. Nixon:** Did the provincial secretary participate in the discussions with the farmers, particularly the representatives of the Federation of Agriculture and the Farmers' Union and is he going to carry them further before the bill is introduced, since it is obviously unacceptable to the farmers and they are the ones we are trying to help? What is the alternative to this situation, or is the government prepared to go forward with the bill in the way it was originally announced?

**Hon. Mr. Grossman:** Mr. Speaker, when the hon. member asks did I communicate, I presume he means the government, not me personally. I did not communicate with them personally.

**Mr. R. F. Nixon:** The minister is the only one here who speaks for the government in this area.

**Hon. Mr. Grossman:** It was discussed at the policy field at some great length. Quite frankly, I didn't respond to the question the other day and the Chairman of the Management Board did because the aspects having to do with it are very complicated. The financial arrangements, insurance, etc. are so detailed. As it had gone to Management Board, the Chairman of Management Board was familiar with that aspect of it, and that was the point in question of whoever directed the question last week. The minister took it upon himself, quite properly, to answer that because he was familiar with that aspect of it.

I am sure either the Minister of Agriculture and Food and/or his staff were involved in the meetings to which the hon. member refers. He is asking whether it is intended to proceed with the legislation before the adjournment. I will get that information.

**Mr. R. F. Nixon:** A supplementary: I particularly wanted to know what the procedure

of consultation was and how it could have been carried out in any effective way since the results were, let's say, so unacceptable as far as the farmers' organizations are concerned, in the statements they have made. Was there consultation or did this just spring wholly-made from the brow of the legislative assistant?

**Hon. Mr. Grossman:** I can assure you, Mr. Speaker, and the hon. member, that there were a great number of meetings and a great deal of consideration on this with those people to whom the member is referring. There was a great deal of consultation. As to whether the farming community agrees with the legislation as it is proposed, the statement made with respect to the legislation is a matter of opinion. There are people—

**Mr. D. M. Deacon (York Centre):** It is a matter of evidence.

**Mr. R. F. Nixon:** The farmers say that it is unacceptable.

**Hon. Mr. Grossman:** The member says "the farmers"; if he is referring to all the farmers in Ontario, that's another matter altogether.

**Mr. R. F. Nixon:** That is the farmers' organization.

**Mr. S. Lewis (Scarborough West):** The farmers affected by the programme.

**Hon. Mr. Grossman:** It is the responsibility of any ministry of any government to put into effect only those programmes which are practical and possible to put into effect.

**Mr. R. F. Nixon:** But they are designed to help a specific group.

**Hon. Mr. Grossman:** I don't know that this has been done in the past, but perhaps, Mr. Speaker, you might consider getting permission from the House to allow the parliamentary assistant to the Minister of Agriculture and Food to reply, due to the circumstances involved—

**Mr. J. E. Stokes (Thunder Bay):** When he is here.

**Mr. V. M. Singer (Downsview):** Nobody asks him anything.

**Hon. Mr. Grossman:** —and to answer those questions which he has been dealing with, particularly since—

Interjections by hon. members.

**Mr. Speaker:** Order. Order please.

**Hon. Mr. Grossman:** —the illness of his minister.

**Mrs. M. Campbell (St. George):** Can't get him.

**Hon. Mr. Grossman:** If the member isn't here today we will make sure, if the House gives its permission—and the House is able to do that—that the parliamentary assistant is advised of this. He will then answer these very detailed matters which are so very important to the farming community.

**Mr. Singer:** The Minister of the Environment (Mr. W. Newman) had better take over there.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** On a point of order, Mr. Speaker, I would be very pleased indeed if you would consider making some comment as to whether the legislative assistant should be able to answer questions. Would it not also be a part of your responsibility to point out to the hon. member who has just spoken that he is in charge of policy in this area and, according to the statement, this is the first timid step in the development of a whole new policy of support for the farmers? Why the devil can't he answer the questions?

**Mr. Singer:** That's a good question.

**Hon. Mr. Grossman:** Mr. Speaker, obviously being responsible for policy is one thing; being responsible for all the details—

**Mr. R. F. Ruston (Essex-Kent):** Having an answer is another thing.

**Mr. E. R. Good (Waterloo North):** Having to answer for it is another thing.

**A hon. member:** That's one way of putting it.

**Mr. Speaker:** Order, please.

**Hon. Mr. Grossman:** Mr. Speaker, obviously being responsible for general policy co-ordination, etc., doesn't mean that any policy secretary has the responsibility of knowing every detail of every programme in every one of the ministries. The member knows that perfectly well.

**Mr. Deacon:** It doesn't mean he has to know everything.

**Mr. A. J. Roy (Ottawa East):** He still hasn't figured out the policy.

**Hon. Mr. Grossman:** I don't know why the members opposite make so light of this very serious matter.



**Mr. R. F. Nixon:** We are not making light of it. We are concerned.

**Mr. Speaker:** Order please. The hon. minister has the floor.

**Hon. Mr. Grossman:** Obviously, I am more concerned about the—

Interjections by hon. members.

**Mr. Speaker:** Order please. There has been a question asked. Order please. The minister is answering it to the best of his ability. Can we finally hear both the questions and the answers? Is there a further answer?

**Mr. R. F. Nixon:** He is trying to save his skin.

**Hon. Mr. Grossman:** Obviously, Mr. Speaker, if this is such a serious matter—and it is—and if the members of the Liberal Party think it is, they shouldn't be making so light of the matter. It's a very important—

Interjections by hon. members.

**Mr. R. F. Nixon:** What is the minister talking about, making light of the matter? We are very concerned as to his inadequacy.

**Mr. Speaker:** Order, please.

**Hon. Mr. Grossman:** They have been outsmarted again by that party to their left—

**Mr. R. F. Nixon:** Oh, that is it.

**Hon. Mr. Grossman:** —who are not making fun of this thing. They realize it is important and they realize that in the absence of Canada's most able Minister of Agriculture and Food, due to illness, this matter has to be handled on a somewhat ad hoc basis because he is not here—

**Mr. Singer:** Ad hog!

**Hon. Mr. Grossman:** —to answer on a matter which he has been dealing with so closely himself. I would think the Liberal Party—the leader of the Liberal Party particularly, being a farmer—should understand that under these circumstances it takes a little more than banter back and forth, trying to make points.

It is very important. The Chairman of the Management Board attempted to answer on the financial aspects of the arrangements. The parliamentary assistant is prepared to answer. I think it is the rule of this House that the parliamentary assistant may not be questioned. The member will appreciate that I offered a few moments ago to appeal to the Speaker to give the parliamentary assistant

the opportunity to stand here and be questioned, which he is prepared to do. All the member had to do is say he agrees with that and join with me in my appeal to the Speaker—

**Mr. R. F. Nixon:** We already did. What is he talking about?

**Mr. Speaker:** Order, please.

**Hon. Mr. Grossman:** —without all that other nonsense which is not helpful at all in this important matter.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** On a point of order, I would like to point out to you, Mr. Speaker, that the parliamentary assistant has crept into the back row in the last few minutes.

**Mr. Speaker:** Order, please. Any further questions?

**Mr. R. F. Nixon:** We are concerned, of course, with the policy the government is embarking on and the fact it is prepared to do so without consultation—

**Mr. Speaker:** Any further questions?

Order.

**Mr. Speaker:** Any further questions? Order.

**Mr. R. F. Nixon:** Surely the minister must not take that lightly? As a matter of fact, how lightly does he take his indemnity? What does he do for that? Does he not assist in the development of this policy? He doesn't?

**Hon. Mr. Grossman.** Mr. Speaker, I don't take it lightly at all. It was a matter of a great deal—there goes the banter over there again; let the record show that. It wasn't taken very lightly at all on our side.

**Mr. Lewis:** Has Hansard got that? It's banter.

**Hon. Mr. Grossman:** Mr. Speaker, the matter of indemnity was, of course, germane to the whole bill. It was fundamental to the whole programme—very fundamental—and it took a great deal of discussion and a great deal of consideration. Members may rest assured that if the Minister of Agriculture and Food of this province was constrained to say, "This is what we would do at the moment," the farmers in this province will have confidence in him.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** On a point of order. A question of the gentleman in the back seat—

**Mr. Speaker:** Well, the question is now—I will deal with that. As you know, the questions are placed with the ministry. According to our orders, the question may be referred to a member of a board or commission but they have not up to now covered the position of parliamentary assistant. Do we have the House's permission for the minister to refer a question to the parliamentary assistant?

**Mr. I. Deans (Wentworth):** Only if it is to be continued during the absence of the Minister of Agriculture and Food. Of course if the parliamentary assistant is to be allowed to answer he should be allowed to answer any questions during a prolonged absence, not just those the provincial secretary wants to refer.

**Mr. Speaker:** With that proviso, do we have permission of the House?

**Some hon. members:** Yes.

**Mr. Speaker:** Agreed. By the way, we have spent about eight minutes on this one question. The Leader of the Opposition may refer his question to the parliamentary assistant.

**Mr. R. F. Nixon:** On a point of order or on a point of information, Mr. Speaker, perhaps the House leader would indicate if the parliamentary assistant, in expressing the views of the government, is quoting the official policy of the Ministry of Agriculture and Food? Is that understood?

**Hon. Mr. Winkler:** Yes, I am prepared to give that commitment.

**Mr. R. F. Nixon:** I would like to direct a question to the parliamentary assistant and ask him why, if there was sufficient consultation between the ministry and the Federation of Agriculture, the Farmers' Union and those farmers directly concerned with the cow-calf operation, the bill was announced by the Chairman of Management Board in such a way that the farmers find it unacceptable? They do not find it an income insurance concept they are prepared to support. What is the purpose of the consultation if the government can't bring forward a satisfactory statement?

**Mr. R. G. Eaton (Middlesex South):** Mr. Speaker, it was not a case that we expected everyone would agree with the figures.

**Mr. R. F. Nixon:** Does anybody agree?

**Mr. Eaton:** The figures were arrived at in consultation with producers and the reports

gathered by the economists in our ministry; they were put together on the basis of factual information which could be gathered on the costs of cow-calf operations. They were based on the cost of a herd of 100 cattle and they were based on arriving at a guaranteed stabilization programme, not a guaranteed income programme which guarantees all the wages and a profit.

**Mr. R. F. Nixon:** I would like to put a supplementary to the hon. member. On the basis of consultation, however, is the spokesman for the ministry aware that the federation and the Farmers' Union have indicated through their spokesmen to the province that the provisions of the bill are substantially inadequate? What kind of consultations were there other than with the economic experts in the ministry? Was there agreement on behalf of the representatives of the farmers or the farmers themselves? Surely that couldn't have been the case.

**Mr. Eaton:** Mr. Speaker, some producers agreed with the programme and some didn't. I think the member will find that in any case. The figures the Federation of Agriculture is using to dispute the figures we have used were put together in one day. The federation came to our office with them and we found there were some discrepancies in them. Their figures were based on a 425 lb calf. Ours were based on a 450 lb calf and that figure—the 450—came about because of our consultation with the producers. That was the figure the producers had suggested for the weight of a calf.

There were a couple of other areas. There was the difference in the wages. We used the figure of \$3.50 an hour—the wages that were being paid by producers at that time—and the federation used \$5. There was a difference in the federation's figures. They used the depreciation figure on cattle, after having taken a return on the investment in the cattle. We used the return on the investment in the cattle, and we used the buying in and selling out of cattle as the method.

These are some of the differences that came about. I don't care how one works at it, one is going to find differences in the cost of production figures from one producer to another.

**Mr. Speaker:** Does the member for Scarborough West have a supplementary?

**Mr. Lewis:** May I ask the parliamentary assistant further: Since the government refuses to grant retroactivity for the one year, despite the pleas of the farm groups; and



since the figures vary so substantially, would it be possible for him to table the comparative material he has so that we can have in front of us the basis on which the government arrived at its decision—since we do have in front of us the federation and individual farm group figures?

**Mr. Eaton:** Yes, those figures were given out, and we'll see that they're tabled here.

**Mr. Lewis:** Thank you.

**Mr. Speaker:** Further questions? The hon. Leader of the Opposition.

### ENERGY PRICES

**Mr. R. F. Nixon:** A question of the Treasurer: If there is no further statement, in the absence of his colleagues, on the matter having to do with government policy regarding the price of oil, gasoline and heating fuel, do we have to wait for the Treasurer's full 10 days, then consultation with the Premier (Mr. Davis), before we know what action would be asked of this Legislature?

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Mr. Speaker, I expect a statement will be made within the next few days.

**Mr. Speaker:** Supplementary.

**Mr. Lewis:** Supplementary: Since every day that passes shores up the oil companies in their determination to raise the price as quickly as possible, can the Treasurer at least indicate in advance that he will not be permitting an increase in price until somewhere between Labour Day and the middle of October—that that much is now government policy?

**Hon. Mr. McKeough:** The government policy will be known when it is announced.

**Mr. Lewis:** Mr. Speaker, I fail to understand. Can the Treasurer explain to me then, since the oil company executives walked out of the meeting with the Premier, not only disabusing him of the extended inventory which he alleges, but also indicating that the price would go up seven cents or eight cents a gallon, which is an increase of \$90 million to \$135 million more than we thought just 10 days ago in overall cost to Ontario, can the Treasurer not give some indication now to let the public know that whatever the Premier says will draw some halt to these increases without giving us the detail, but putting the oil companies on notice that their days of arbitrary increases are numbered?

**Hon. Mr. McKeough:** No.

**Mr. Lewis:** No? Okay.

**Mr. Speaker:** Any further questions? The Leader of the Opposition.

**Mr. E. W. Martel** (Sudbury East): All in the press.

### HOME OWNERSHIP MADE EASY PROGRAMME

**Mr. R. F. Nixon:** I would like to ask of the Minister of Housing if there is any consideration being given to reverting to the former policy in the Home Ownership Made Easy programme, whereby the purchase of the lot is going to be undertaken at the price at the time when the original contract was signed. Is the minister aware that under the more recent provisions—the policy that was established just two years ago—and with the rapid escalation of the costs of these lots, that it seems to be practically impossible for people to find the money to pay the increased cost for the lot? And as somebody pointed out in a letter to one of the weeklies, they are now referring to it as "Home Ownership Made Impossible," simply because there's no way they will ever be able to pay the price of the lot the way it's computed.

**Hon. D. R. Irvine** (Minister of Housing): Yes, Mr. Speaker, I am well aware of the problem that exists at the present time. We also had a problem before we enforced the rule that the land had to be leased for a period of five years; there was a problem with speculation. We are dealing with this matter in our ministry, and have been for three or four weeks. I expect to have a resolution of the matter within two weeks' time. At that time I will make a statement in the House.

**Mr. R. F. Nixon:** Supplementary: Is the ministry considering a concept then of charging the actual cost to Ontario Housing, rather than the going rate on a free market for the serviced property, which would certainly be supportable?

**Hon. Mr. Irvine:** Mr. Speaker, I can't give the hon. Leader of the Opposition that assurance at this time. We're considering alternatives to the present method, because in various areas where we have land prices escalating rapidly, it is not possible for a homeowner to purchase the property at market value.



## STORE HOURS

**Mr. R. F. Nixon:** May I direct a question to the Attorney General? Is there going to be the introduction of any legislation having to do with uniform store hours as has been promised by him and his predecessors? I am not asking about the enforcement of Sunday closing laws; that is a closely related problem but not the problem I am asking about.

**Hon. J. T. Clement** (Provincial Secretary for Justice): I would think that this probably is a likely position, Mr. Speaker.

**Mr. R. F. Nixon:** Before the House rises this summer?

**Hon. Mr. Clement:** No, I didn't say that, Mr. Speaker.

Interjections by hon. members.

**Mr. Speaker:** Any further questions? The member for Scarborough West?

**Mr. Lewis:** Does the minister mean the government some day might bring in store hours laws?

**Mr. Speaker:** Order, please. A supplementary on the last question?

**Mr. Roy:** Yes, on the last question: The minister has made previous statements that he was coming in with legislation and that he would resolve the problem in a short time and his predecessors have said the same thing as well. When is this charade going to stop and when is the minister going to take a stand?

**Hon. Mr. Clement:** Mr. Speaker, the members opposite can draw their own conclusions as to when I may introduce the legislation. I have had a fairly heavy legislative programme so far this year. I have not by any stretch of the imagination abandoned any proposals that have been made by me or my predecessor.

It is an involved matter. There are two aspects to it, the Sunday closing and the uniform hours. Quite frankly—and I take full responsibility for this—I am not satisfied with the information I have before me as of this date that I can bring forward legislation that will be positive at this particular time. I intend, when given the opportunity, and hopefully I will be, to bring it forward in the not-too-distant future. But I am not going to give any undertaking that I am going to bring it forward before the House rises because I don't know when it is going to rise.

**Mr. Roy:** The minister is stalling and he knows it.

**Mr. Stokes:** Why doesn't the minister bring out a blue paper?

**Mr. Good:** Supplementary?

**Mr. Speaker:** Is it on this question, in view of the answer that was given? The member for Waterloo North.

**Mr. Good:** Are we to understand then that the minister's position has changed from that stated in his letter of Jan. 20 to PUSH when he said he hoped to bring the whole matter to a conclusion at the earliest possible time? Is the minister saying that conditions have changed now and that he cannot bring the whole matter to a conclusion at the earliest possible time?

**Hon. Mr. Clement:** I will bring the matter forward, Mr. Speaker, when I am satisfied that I have all the cogent information with which to proceed.

**Mr. Roy:** The minister is changing his tune.

**Hon. Mr. Clement:** I will bring it forward at the earliest time that is available to me in terms of all the criteria that are required.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Well, if it is not the earliest now, it is getting earlier all the time.

**Mr. Good:** What is the government's position?

**Mr. Singer:** Another green paper is a waste of time.

## MOPEDS

**Mr. Lewis:** May I ask the Provincial Secretary for Resources Development, since I believe this is in his policy field and this does involve a matter of policy, in light of the unhappy fatalities this last weekend by the use of mopeds, is the policy group within the secretariat willing to reconsider the legislation intended by the Minister of Transportation and Communications (Mr. Rhodes) and require some form of licensing and the mandatory use of helmets, given the evidence that is now before us even before the bill is debated?

**Hon. Mr. Grossman:** Mr. Speaker, this government is always willing to reconsider any of its legislation. Indeed that is what legislatures and governments do as years go by.

They are amending regulations and amending legislation session after session.

I am sure the hon. member wouldn't expect that the decision for reconsideration should be made this quickly because of the very, very terrible tragedies that occurred over the weekend. The Minister of Transportation and Communications has the information at hand or is investigating the accidents that occurred. I am sure, Mr. Speaker, he will be taking this under consideration and if it is deemed advisable to make any changes, of course, this government and the minister will consider them.

**Mr. Lewis:** I would like just to go further than that. Since doubtless all members of the House would agree in deferring it for a day or two if that is what is involved, is the minister prepared to advise, as the policy minister, that the legislation now have a second review, a very quick and careful review, in light of the evidence that is before us and in light of the evidence which, alas, contradicts directly the statements which were made by the minister when he introduced the legislation?

**Hon. Mr. Grossman:** Mr. Speaker, with great respect, even though I have a very, very deep and strong respect for the press, I'm sure that the hon. member wouldn't consider that at this early stage, the Minister of Transportation and Communications should consider, or even that the provincial secretary should consider recommending to his policy field, a change is the legislation on the basis of a news report.

**Mr. Lewis:** What does the minister mean, a news report? There were two fatalities.

**Hon. Mr. Grossman:** It was a news report of two fatalities.

**An hon. member:** How many deaths does the minister want?

**Mr. Deans:** The minister made a terrible mistake the first time. He had better not make a second one.

**Mr. Lewis:** Is the news report not credible?

**Hon. Mr. Grossman:** The hon. member heard what I said just a moment ago. I said he wouldn't expect a responsible government to immediately embark upon a change in legislation on the basis of a news report—

**Mr. Lewis:** That's not what the minister said.

**Mr. J. A. Renwick (Riverdale):** The government has already done studies. It has got a lot of background on this.

**Hon. Mr. Grossman:** —which is what, maybe 24 hours old. It just wouldn't be reasonable, nor would it be responsible.

**Mr. Lewis:** Of course it would be responsible.

**Hon. Mr. Grossman:** Mr. Speaker, I answered the question quite properly—

**Mr. Lewis:** What is the minister talking about?

**Hon. Mr. Grossman:** The Minister of Transportation and Communications, I'm sure, has this under consideration, and I'm sure he's investigating the accidents which occurred—

**Mr. Deans:** Just like the Minister of Transportation and Communications investigated it the first time around.

**Hon. Mr. Grossman:** —to find out how they occurred and whether they indicate a change in legislation. Now, what could be more reasonable than that?

**Mr. Lewis:** Doing something about it. That would be reasonable.

**Hon. Mr. Grossman:** Does the member mean before we consider it?

**Mr. Lewis:** I presume the minister will consider it.

**Hon. Mr. Grossman:** If the hon. member's party ever takes power—if he's still around at that time—if he wants to run a government on the basis of picking up a newspaper, reading a report, dashing into the House and changing legislation, he's at liberty to do so if he ever makes it.

**Mr. Lewis:** That is not what I asked the government to do.

**Hon. Mr. Grossman:** But we don't do it that way.

**Mr. Renwick:** The government has already done studies on it.

**Mr. R. F. Nixon:** In the fullness of time.

**Mr. Lewis:** The government made a mistake in the legislation.

**Mr. Roy:** I have a supplementary. Mr. Speaker.

**Mr. Speaker:** The member for Ottawa East has a supplementary.

**Mr. R. F. Nixon:** In the fullness of time. Meanwhile, how many people are going to have their heads bashed in?

**Mr. Speaker:** Order, please. The member for Ottawa East has a supplementary.

**Mr. Roy:** A supplementary, Mr. Speaker: When the minister talks about hasty decisions, does he not feel that the decision of his colleague in relation to certain submissions he received from females who apparently weren't interested in wearing helmets was somewhat hasty? And would he bring to his colleague's attention—

**Mr. Lewis:** That's right. That's what was contradicted by the accidents.

**Hon. Mr. Grossman:** I'm sorry. I didn't hear the question.

**Mr. Roy:** Let me repeat it. Apparently the minister's colleague came to his decision about helmets because certain females, certain ladies, got in touch with him and said they didn't like to wear helmets. That's why he said he came to this decision—

Some hon. members: Oh, oh.

An hon. member: Maybe that's the way the member sees it.

**Mr. Roy:** That's what the minister said. He said it right here in the House.

Interjections by hon. members.

**Mr. Speaker:** Order, please. Let's hear the rest of the question.

**Mr. Lewis:** The word the member is struggling for is "women."

**Mr. Speaker:** Order, please.

**Mr. Roy:** Would the minister look at the basis of that decision, and would he also bring to the attention of his colleague the statistics that are being kept at the Ottawa Civic Hospital about moped accidents? Dr. Goldwin Smith, who is the president of the medical staff there, said that his staff had been complaining about the number of beds being occupied by moped drivers who had sustained concussions in accidents. Would he bring that to his colleague's attention as well?

**Hon. Mr. Grossman:** Mr. Speaker in the first place, I'd like to disabuse the hon. member of the idea that any decision was based on—

**Mr. Roy:** That is what the minister said.

**Hon. Mr. Grossman:** I don't know how he said it or whether he said it, and whether

that was the impression he meant to get across.

**Mr. Lewis:** The minister has quite a grip on his policy field.

**Hon. Mr. Grossman:** All I can tell the member is that that had nothing to do with the decision.

**Mr. Singer:** This is the minister's day.

**Hon. Mr. Grossman:** I think the question itself is somewhat sexist and I will draw to the attention of Laura Sabia the fact that the hon. member would ask a question that way. It's most unfair.

**Mr. R. F. Nixon:** What kind of a threat is that?

**Hon. Mr. Grossman:** Mr. Speaker, it had nothing to do with any person arguing that they didn't like to wear a helmet because it didn't look good.

**Mr. Lewis:** Of course it did. The minister said so himself.

**Hon. Mr. Grossman:** If he did the hon. minister must have done it in a facetious way.

**Mr. Lewis:** He didn't do it facetiously.

**Mrs. Campbell:** The government is not treating it seriously.

**Mr. Stokes:** Take it as notice.

**Hon. Mr. Grossman:** Anyway, in answer to the specific question, if it already hasn't been drawn to the attention of the minister, I will draw it to his attention.

**Mr. Speaker:** The member for Scarborough West.

#### BELL CANADA RATE INCREASES

**Mr. Lewis:** I have a question of the Attorney General, if I may. Will the Province of Ontario be making a direct intervention in the Bell Canada applications for further rate increases?

**Hon. Mr. Clement:** Mr. Speaker, I refer that question to the Minister of Transportation and Communications, who will be making that decision. We, of course, will be supplying counsel in the event he decides to make that kind of submission.

**Mr. Singer:** Is that for the Provincial Secretary for Resources Development again?



**Mrs. Campbell:** What is the Attorney General going to do?

**Mr. Lewis:** Is it the Attorney General's inclination to have an intervention on the basis of what Ontario has done before?

**Hon. Mr. Clement:** I think I would defer to the Minister of Transportation and Communications.

**Mr. Singer:** Or his policy secretary.

### HOUSING PROGRAMMES

**Mr. Lewis:** If I may ask the Minister of Housing a question, do his views coincide with that of his very recently departed deputy minister, who says that government by legislation may have to force insurance companies, trust companies and loan companies into the mortgage field, since they are not participating adequately at this time?

**Hon. Mr. Irvine:** Mr. Speaker, that's a matter which I've had under consideration for some while. I have discussed it with the federal minister, Mr. Danson. I believe that the lending institutions have not been putting enough money into the housing field. I've told all of them the same story, that we have to have more money, or else it may be necessary for government to enact legislation to provide more mortgage money.

**Mr. Lewis:** Is the ministry considering the possibility of an amendment to the appropriate provincial legislation, the Loan and Trust Corporations Act, and comparable legislation, which would require the companies operating in Ontario to invest a certain percentage of retained earnings—or however it is calculated—in the housing mortgage market? Is this government prepared to consider that?

**Hon. Mr. Irvine:** Mr. Speaker, all I can say to the hon. member is that we are prepared to consider it. I can't say that I will amend it, since it doesn't come under my jurisdiction—it is that of my colleague. But I would think that it would have to have much more consideration of the matter than we have at the present time. I was hoping that we would have had mortgage funds made available at the federal level. We now know we have not. We'll have to consider an alternative; and whatever that may be, I don't know at this time.

**Mr. Lewis:** But this would be considered?

**Hon. Mr. Irvine:** Yes.

**Mr. Speaker:** Order, please, I believe the member for Grey-Bruce has a supplementary.

**Mr. E. Sargent (Grey-Bruce):** Supplementary, Mr. Minister: In view of the fact that Industry and Tourism can give deferred loans, forgiveness loans to American firms at six per cent, etc., why can't this minister do the same thing here for a crash programme on housing?

**Hon. Mr. Irvine:** Mr. Speaker, I fail to connect the two together.

**Mr. Roy:** He would.

**Hon. Mr. Irvine:** I think one thing we have to realize is that when—

**Mr. Sargent:** Why doesn't the minister talk to them?

**Hon. Mr. Irvine:** —the Ministry of Industry and Tourism provides a loan to a particular company, it also provides jobs.

**Mr. Roy:** Same argument.

**Hon. Mr. Irvine:** I think we need some jobs very definitely; not only this year but next year. Now, as far as housing is concerned, we also need more money to provide jobs. I'm trying to determine what is the best way to do this.

**Mr. Speaker:** The member for Scarborough West.

### MEDICAL EXAMINATIONS FOR ASBESTOS WORKERS

**Mr. Lewis:** A question of the Minister of Health, if I may. The people in the occupational health branch, as I understand it, did various medical tests, x-rays and lung function tests of workers at Johns-Manville in June of 1974. Can the minister explain how it is that workers are just now being notified of the results of those tests, particularly where they show some lung disfunction or scarring; and how they were allowed to be exposed to asbestos for a full year before the tests were reported to them?

**Hon. F. S. Miller (Minister of Health):** Mr. Speaker, I can't answer that. I know in the previous set of tests at Elliot Lake the time frame was just about the same. It seems to take quite a bit of time to analyse these reports. Whether it's necessary or not, I'm not sure. Certainly I'd like the reports back faster and the results known faster.

**Mr. Lewis:** Could the minister just inquire into this case as a kind of symbol of the

delays that take place—the unaccountable delays?

**Hon. Mr. Miller:** I'll be glad to, Mr. Speaker. Sometimes it's a shortage of laboratory facilities. Sputum cytology has been one of the tests that has held us up most in those areas; and if sputum cytology is done, the results have been deferred.

I'd like, while I'm on it, to refer to another question the member asked me the other day, and that was about the survey of people in the immediate area of the asbestos plant. I've discovered two or three groups were preparing to do some work in this area. We've got them together and we're co-ordinating that work, by the way. Hopefully we will have some testing programme funded, probably through our ministry and probably done by one of the medical officers of health and/or the University of Toronto.

**Mr. Lewis:** Supplementary: On the people in the area, or the families of the workers?

**Hon. Mr. Miller:** I think probably the testing may include both groups. Certainly we are going to look back across records of families exposed over a number of years, and I believe there will be some testing of families who are not necessarily those of workers.

**Mr. Speaker:** The member for Downsview.

### JURY TRIALS

**Mr. Singer:** Mr. Speaker, I have a question of the Attorney General. Does the Attorney General have any opinion about the private member's bill introduced by the Rt. Hon. John Diefenbaker into the House of Commons relating to jury trials and the ability of the court on the appellant level to upset a jury's decision and substitute its own? Or would the minister not agree it's an important principle of law in Ontario that once a decision is given by a jury it could, in unusual circumstances, be set aside but a new trial should be ordered?

**Hon. Mr. Clement:** Mr. Speaker, in all fairness, I haven't seen a copy of the Rt. Hon. John Diefenbaker's bill and I wasn't aware until this moment that he had in fact introduced one.

**Mr. Singer:** Would the minister take a look at it and give us his opinion in the very near future?

**Hon. Mr. Clement:** Would the member like that opinion in writing?

**Mr. Singer:** Yes.

**Hon. Mr. Clement:** With a bill?

**Mr. Speaker:** The member for Ottawa East.

**Mr. Roy:** Mr. Speaker, if the minister, as Minister of Justice in this province, feels compelled to support Mr. Diefenbaker's bill, he might also consider upping the fees, the remunerations, that are paid to jurors. That might do something for the jury system in this province.

**Mr. Speaker:** No, that was not a proper supplementary. The member for Sandwich-Riverside.

### REMOVAL OF ASBESTOS FIBRES FROM TAP WATER

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, a question of the Minister of the Environment: Regarding the ministry's sampling of Detroit River water in November, 1972, by which asbestos fibre counts of over 20 million asbestos fibres per litre were obtained in the raw water and almost two million in Windsor's filtered water, is the minister aware that the Ontario Research Foundation has reported to the Windsor Utilities Commission that no asbestos fibres were found in any of its water samples, either in the raw or the treated samples, taken in February of this year, and has the minister any theories to explain this surprising finding?

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, if I heard the member's question correctly, he said that in 1972 they found 20 million fibres per litre, and the most recent testing that was done by Ontario Research Foundation shows no fibres per litre. Who did the testing in 1972? Was it the Ontario Research Foundation? I don't know who did the testing.

**Mr. Burr:** It was the Ministry of the Environment.

**Hon. W. Newman:** Our ministry would not be doing the actual testing itself because we didn't have an electron microscope; we have one now, but we didn't do the actual testing in 1972. We would have had it done by an outside source. Either the Ontario Research Foundation or the Canada Centre for Inland Waters probably would do the testing for us.

**Mr. Speaker:** The hon. member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** Supplementary: In the light of the large discrepancies in the asbestos fibre count last year as



opposed to two years ago, will the minister ensure that other test samples are taken immediately and other tests run to verify either one of those figures or what the current level now is?

**Hon. W. Newman:** I think, Mr. Speaker, we are quite prepared to take a sample of water and have it tested. Some labs have different results from others and we are looking into this whole process too. But we will be glad to take a sample out of the river and have it tested.

**Mr. Speaker:** The hon. member for York Centre.

### JAMES BAY EDUCATION CENTRE

**Mr. Deacon:** A question of the Minister of Education: In view of the very substantial problems that seem to be experienced up at the Moosonee Education Centre, will the minister table the report of the James Bay Education Centre known as the external evaluation which was done by D. S. Felker? Will he also report to the House on the number of staff resignations that have taken place this year from the secondary school section of the centre, and the reasons for the staff resignations?

**Hon. T. L. Wells (Minister of Education):** Mr. Speaker, I think one of my friends on the other side asked me about this report a few weeks ago. As soon as we have it ready, I think in fairness it should be tabled along with the internal report that was done by the board of governors and the results of all the discussions that are going on. The purpose in appointing the external examiners to look into the James Bay Education Centre along with the kind of examination the board of governors themselves carried on was, of course, to correct some of the criticisms and problems which we all knew existed there. They are being worked on at present and as soon as we get the documents all printed together I'll be happy to table them. It may be a few weeks, though.

**Mr. Deacon:** Supplementary: In view of the fact that this problem has been continuing over the last several years, when does the minister expect to make some fundamental changes so that that does become a community education facility instead of something we've imposed here from Queen's Park?

**Hon. Mr. Wells:** Mr. Speaker, the hon. member has continually made this kind of offhand suggestion about the centre, in which

he, in a blanket statement, condemns the chairman of the board of governors and others up there, who I think have sincerely been trying to do something to bring that centre around and have achieved a fairly significant community status for it. But it is not perfect and we're working on that. I think we will see changes come about as a result of the evaluations that have been carried on.

**Mr. Speaker:** The member for Parkdale. I'm sorry, is this a supplementary?

**Mr. J. F. Foulds (Port Arthur):** Yes. Did I correctly understand the minister to give a commitment to table both the internal and external evaluation reports in this Legislature when they are finalized?

**Hon. Mr. Wells:** Yes, I will be happy to make them public as soon as we've got them all together and the members can see the whole picture.

**Mr. Speaker:** The member for Parkdale.

### PSYCHIATRIC HOSPITAL BUDGETS

**Mr. J. Duszta (Parkdale):** I have a question of the Minister of Health. How many psychiatric hospitals have been told to hold down their present budgets to the level of last year's budget, and is the minister proposing to make no allowance for the 12 per cent inflation rate in the next year's budget either?

**Hon. Mr. Miller:** Mr. Speaker, the hon. member had a question of this nature the other day and I don't know that he has got his facts straight.

We have been allowing for increases in the budgets of most of the psychiatric hospitals. I have the exact figures with me and they all show an increase. Unlike the provincial hospitals, where we project into their budgets an increase for salary settlements to be made, we don't do it with the psychiatric hospitals, because if, as and when the CSAO and any other group representing the employees gets an increase in salary, we come back with a supplementary for it.

So we feel we have allowed for inflation in the budgets of the psychiatric hospitals and if salary settlements were made that exceeded the present rates, they would be built into the budgets. For example, Whitby went up half a million dollars in its budget this year, which is quite a bit of money for an increase. It's getting about nine per cent of our psychiatric budget and it's producing about 7½ per cent of our psychiatric services.



**Mr. Duksza:** Supplementary, Mr. Speaker: Would the minister comment then on the statements by the administrator of the Whitby hospital, who stated in a recent interview that no allowance was made between last year and this year in budget and that, in effect, he had to deal with a 15 per cent cut in budget—which is the three per cent that the ministry has ordered and 12 per cent due to inflation—which I think contradicts what the minister has just said?

**Hon. Mr. Miller:** I haven't seen that statement. I don't think any of the administrators of hospitals, whether they be provincial or public, like living with constraints, but constraints are in fact having to be applied. The fact remains that \$13,057,000 is more than \$12,588,000 and—

**Mr. Roy:** The minister is right again.

**Hon. Mr. Miller:** —that's what he had last year.

**Mr. Speaker:** Supplementary. The member for Grey-Bruce.

**Mr. Sargent:** Mr. Speaker, how can the minister justify increasing the grant by \$500,000 to a psychiatric hospital and he cut our grant back \$200,000? We had to lay off 38 people in our hospital.

**Hon. Mr. Miller:** Mr. Speaker, I think if the hon. gentleman goes back and looks at the budgets he will find there was no such cut. There may have been cuts from what they proposed—

**Mr. Sargent:** They laid off 38 people.

**Hon. Mr. Miller:** Go and out find the figures first.

**Mr. Sargent:** Mr. Speaker, on a point of order.

**Mr. Speaker:** No. Order please. Order.

**Mr. Sargent:** He is calling me a liar.

**Mr. Speaker:** He is not. Order please. Order. That is a different question from the original. The member for Ottawa East, with his question.

**Mr. Sargent:** Get the figures straight.

**An hon. member:** Throw him out.

**Mr. Speaker:** Order please. The member for Ottawa East.

## ONTARIO LOTTERY

**Mr. Roy:** Mr. Speaker, I would like to ask a question of the Minister of Culture and Recreation, the minister in charge of Wintario. Would he advise whether there is a regulation which prohibits retailers from selling lottery tickets at a cut rate—in other words, selling it at the rate that they pay—and has it been brought to this attention, for instance, that a dealer in Brockville was selling five tickets for \$4.60? All he was doing, in fact, was not taking his eight cents profit, and apparently his business was taken away in spite of the fact that he had contracted for \$700 worth of advertisements in the area papers.

What does the minister see wrong with selling lottery tickets at the price that the retailer pays?

**Hon. R. Welch** (Minister of Culture and Recreation): Mr. Speaker, that matter had not been brought to my attention but I would be very happy to discuss it with the Ontario Lottery Corp.

**Mr. Deacon:** Supplementary: Isn't it the policy of the government that they not be allowed to sell at cost?

**Hon. Mr. Welch:** Mr. Speaker, in response to the supplementary asked by the member for York Centre, I will get the information from the Ontario Lottery Corp. and report back to him.

**Mr. Roy:** Supplementary: Mr. Speaker, while he is getting the information, does he know if there are regulations now which prohibit selling tickets at less than face value? Or did he say he doesn't know?

**Hon. Mr. Welch:** I said there are regulations. The Ontario Lottery Corp. Act, the establishing Act, provided for regulations. I'd have to go through those regulations with respect to those matters.

**Mr. Roy:** Yes, but are these regulations that—

**Mr. Speaker:** Order, please. The member for High Park.

## ASSESSMENT ACT CHANGES

**Mr. M. Shulman** (High Park): I have a question of the Minister of Revenue, Mr. Speaker. Is the minister aware that in order for a person to appeal his assessment under the new Assessment Act, he can only appeal if his assessment is inequitable in terms of neighbouring assessments, but under the new

Assessment Act he is not allowed to find out what the neighbouring assessments are, and that these various inequities in the Assessment Act have been labelled an absurdity by Judge Scott in the provincial court in Niagara?

**Hon. A. K. Meen** (Minister of Revenue): Mr. Speaker, the hon. member sent me a note just now asking me if I was aware of Judge Scott's observations. My answer is that I am not. I don't think there are such absurdities in the Act, but I'll take a look at it and see just what would have led him to that conclusion.

**Mr. Speaker:** The member for St. George.

#### ADOPTION OF VIETNAMESE CHILDREN

**Mrs. Campbell:** My question of the Minister of Community and Social Services. Could the minister advise this House as to why, when a home study for adoption purposes has been traditionally regarded as confidential, such information would be sent to a private person in Montreal on the application of an adopting parent or parents in this province? Could I know why that information is not deemed confidential in those circumstances, so that even the family about whom the study was made has not been able to get the information?

**Hon. R. Brunelle** (Minister of Community and Social Services): Mr. Speaker, I would be pleased to look into the matter if the hon. member could give me details as to the persons involved.

**Mrs. Campbell:** Mr. Speaker, supplementary: Could the minister look into the whole aspect of the procedures in these cases, because his ministry doesn't seem to be applying the same principles in these cases as in others?

**Hon. Mr. Brunelle:** Is the hon. member referring to international adoptions—that is, adoptions from other countries?

**Mrs. Campbell:** Yes.

**Mr. Lewis:** Could I ask a supplementary on this? Is it in fact true that the minister is in a remarkably awkward and difficult position over the 62 Vietnamese adoptions arranged for Ontario in his inability to get the legalities sorted out, because the adoptions were arranged through the Quan-Yin Foundation, but his ministry has attempted to assert priority and in the process cannot

get the authority from Vietnamese and other officials which it requires?

**Hon. Mr. Brunelle:** My understanding, Mr. Speaker, is that these adopted children were abandoned children and that we had proper authority from the South Vietnamese government. We have also dealt with the proper channels of the federal government's Department of Immigration.

**Mr. Lewis:** The ministry has all the approvals it needs?

**Hon. Mr. Brunelle:** This is my understanding.

**Mr. Speaker:** The question period has expired.

Petitions.

Presenting reports.

**Hon. Mr. Bennett** presented the annual report of Ontario Place Corp. for the year ending March 31, 1975.

**Mr. Stokes:** What is the bad news this year?

**Hon. C. Bennett** (Minister of Industry and Tourism): No, it is good news. It is always good.

**Mr. Speaker:** Motions.

Introduction of bills.

#### ANSWERS TO WRITTEN QUESTIONS

**Hon. Mr. Winkler:** Mr. Speaker, before the orders of the day, I want to table answers to questions 24, 25, 27 and 31 on the order paper. (See appendix, page 3525)

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The second order, House in committee of the whole.

#### WORKMEN'S COMPENSATION AMENDMENT ACT

(concluded)

House in committee on Bill 106, An Act to amend the Workmen's Compensation Act.

**Mr. Chairman:** Are there any questions, comments or amendments to section 14? The member for Windsor West.

On section 14:

**Mr. E. J. Bounsall** (Windsor West): On section 14, Mr. Chairman, the present Act

makes provision for payments by the employer and I believe it specifies the amount the employer must pay when he fails to furnish the particulars of an accident or claim, particularly if that employer is late.

I am a little bit concerned that we are now going to have those amounts set out in the regulations rather than the amounts previously in the bill. Could the minister indicate what he is proposing by way of actual figures in the regulations, so we will know what type of power we are delegating in this section? Does the minister have that information with him?

**Hon. J. P. MacBeth** (Minister of Labour): I haven't seen the proposed regulations yet but it is my understanding that the proposal will be to treat schedule 2 in the same manner as schedule 1; the penalties and fines would be the same.

Sections 14 and 15 agreed to.

On section 16:

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** This is the one section of the bill on which our major complaint comes; that is, the way in which widows are not dealt with fairly, in our opinion, in this particular amendment Act. Perhaps, Mr. Chairman, I could place an amendment to this section first and then proceed to talk on that amendment.

Mr. Bounsall moves that section 16(1) be amended by deleting in the third line "by adding thereto 10 per cent thereof" and substituting therefor "to \$515 for a widow or widower and \$120 for all children."

**Mr. Bounsall:** Mr. Chairman, when we talked on the bill on second reading I mentioned our objection here. It is that in other years the amount by which the minimum for permanent total disability was raised—which, in this bill, is \$400 a month—was identical to the increase in the amount paid to a widow or widower of someone killed in the workplace.

There is no question in my mind that that principle should be established or should be continued even in the minister's own bill. If he is to be consistent with what has been done in the past, this amount would be \$400 rather than this 10 per cent increase which is based on \$260, making the payment to a widow or widower \$286 in this bill. I feel that is certainly unjustifiably small by the minister's and the board's own way of doing

things over the years. It should be \$400, in line with the amount paid as a minimum to someone permanently totally disabled.

I think that philosophy is correct as well. You have a workman who is completely and wholly permanently totally disabled and you ensure that that workman is paid a minimum of \$400 a month. There is very little difference that I can see between having a workman who is completely totally and permanently disabled receiving a minimum of \$400 a month and what the widow of a workman who gets killed in the workplace should receive. Spouses should receive at least the amount that someone on permanent total disability gets while still alive, for the loss of earnings encountered by that woman or man being killed in the workplace. That widow or widower should receive that total amount.

To me it seems only reasonable. It seems quite reasonable that in the past those two figures should have been the same—which in this bill would have been \$400 rather than only the \$26 increase from \$260 to \$286. This is where the bill is most seriously flawed, Mr. Minister, not just in total dollar amounts but in the philosophy that you use in arriving at those figures. You have really made an error.

I would have hoped that the board and the minister would have come in and reported differently on this section by now, and would have announced that they were amending it. You used a factor of 1 per cent in various other parts of the bill for increases in pensions, because 10 per cent was the amount by which the cost of living went up this past year. We have a figure which has always been tied to and identical with the minimum paid for a permanent partial disability. It is a small enough figure as it is in your own bill—\$400—and it seems incredible that you should increase it only 1 per cent, from \$260 to \$286, for a widow or widower, and at the same time in the same bill you are willing to pay \$400 for permanent total disability. There is a slipped gear in your thinking in arriving at a difference now, at this stage of the game, between those two categories of payments.

My amendment, of course, would increase the amount to \$515 a month. I have gone through other explanations as to why we in this party would arrive at that being the correct figure. It's based on the proper minimum wage of \$3 an hour, being what it should be in Ontario at the moment, which is equal to 60 per cent of the average of salaries and wages. You take that \$3 an hour, multiply it by a 40-hour week and pay 100



per cent of it, and that comes out to the \$515 figure which I have mentioned in my amendment.

However, the least the ministry should have done was raise it from \$26 to \$400, not the niggardly increase from \$260 to \$286. It's indefensible in terms of the need, in most cases, of the recipients of these pensions. It invariably occurs—your Workmen's Compensation Board would have the files—with older workers where, if the spouse has not been working, particularly the women, they find it very difficult to get retraining and take up a useful occupation at their age, so the need of receiving a decent pension is quite manifest.

The minister says he doesn't like to look at the question of need and that whenever we get into considering the question of need we are into a welfare scheme. I agree with that. We should not get into discussing the question of need. It should be a question of what is the rightful payment, and the rightful payment, in my mind, should be, as I stated, the \$515 a month.

The other part of my amendment would increase the amounts paid to the children of such widows or widowers, or to the children of a person acting in loco parentis in respect of a worker who has been killed in the workplace. Here again the amounts paid are negligible—an increase from \$60 to only \$66 if the widow or widower is able to look after them, and when they disappear from the scene for some reason, usually through death, then the \$70 payment which would thereafter follow would increase to \$77. Neither of these amounts is at all acceptable. They are too low.

Bearing in mind that the amounts paid by children's aid societies to foster parents to look after foster children are in the vicinity of \$120 a month or more, this is the reason for which we place the figure of \$120. This is the same figure we placed in this section last year on June 28. We have not made any allowance in our amendments, for the increases in the cost of living which have occurred since then. But we still feel that in both cases the \$60 and \$70 should be higher. It should be at least \$120. This is, by and large, the minimum figure which children's aid societies pay for foster children in foster homes.

I remember a year ago, at the same time we had the Workmen's Compensation Act before us in the House, we had a bill from the Ministry of Community and Social Services which placed a dollar value on children who were being supported under the Child

Welfare Act. Those amendments called for \$120 per child. The ministry has gone another whole year and has decided that its figures, through the Workmen's Compensation Board, will be \$66 and \$77.

Mr. Chairman, if I say any more I will be repeating myself, except to end up by saying that these are unacceptably low figures. There's no reason I can see why there has to be such a small increase. I urge the minister to accept this amendment or at least bring in his own amendment with a figure of at least \$400 as a pension for the widow or widower of someone killed in the workplace. One must not look at it purely as a welfare scheme; it is not what this Act is all about. It is to replace earnings of a worker who is deprived of those earnings by an accident in the workplace. And in this section we're dealing with the replacement of those earnings for a worker who has been killed in the workplace. And \$400 a month, a sum equalling only \$4,800 a year, is what it should be to be in complete conformity with your own bill. In our terms, what we would do in this section is pay \$515 for that widow or widower; and it is still only around \$6,200 a year. This is a figure which we feel the board should be able to pay to a widow or widower or someone killed in the workplace.

Mr. Chairman: Any other member wish to speak to the amendment?

Mr. I. Deans (Wentworth): I did; but I'd hoped that the minister might answer my colleague before I made any comments.

Hon. Mr. MacBeth: Mr. Chairman, I was going to wait, because I assume my answer will be much the same. It's a short answer and it's the answer that I've given in other parts of the bill. I can speak to it now if you wish, sir.

Mr. Deans: I would prefer that he answer my colleague, because he may have another question.

Hon. Mr. MacBeth: Mr. Chairman, in our opinion and in the government's opinion, this is a reasonable figure for most cases. The day I announced this in the House there was immediate challenge on the amount of the proposed increase of 10 per cent to the widow's pension. I didn't come back and say, yes, I thought that would be adequate in all cases. I admitted there would be some cases where that was not enough. But, as I have said all the way along throughout the debate on this bill, we cannot take the worst of the hardship cases as what we should pay to

widows. There are many widows, as I repeat, who are out in the workplace making full wages and receiving just as much as some other woman working beside her. In addition, the woman who is the widow of someone who has had the misfortune of being killed as a result of an industrial accident, receives this \$260 or \$286 over and above what that person who works beside her might be receiving—and yet their responsibilities might be identical. I say in the average case the proposals we are making, we feel, are quite reasonable and quite adequate. My friend suggests that in the last few years they have had the same minimum as that being paid to widows. That may have been so in the last few years but it has not always been the case and there is no tradition that the sums are identical.

Although I don't like to suggest that the Canada Pension Plan is in any way in lieu of workmen's compensation—or should be looked upon as a supplement to it—but if you are going to take those cases I must point out that the Canada Pension fund scheme supplies—this is my information—I will read a paragraph:

The first paper shows that under the Canada Pension Plan an Ontario widow over age 45, without children, or under age 45, with dependent children, or who is disabled, is entitled to a maximum pension of \$88.31 for herself and an additional pension of \$37.27 for each dependent child up to four, and \$18.63 for each additional child beyond four.

A dependent widow with two children would receive a maximum of \$162.85 and that would be in addition to the \$440 which is proposed under the Workmen's Compensation Act.

That \$440 figure, of course, is taking into account a number of children. Mr. Chairman, I can't say other than what I have said before. I am not suggesting that a widow can get by on \$286 a month, in all cases, without additional income from some source but, as I repeat, we are not legislating here for the worst of the hardship cases; we are trying to find what is a reasonable figure in the majority of cases.

**Mr. Chairman:** The member for Wentworth.

**Mr. Deans:** Thank you. I can recall a number of occasions in this Legislature when we have dealt with this very topic and I've always been worried about the government's attitude toward people who have not lost their spouses, who through no fault of their own have been forced into or put in a posi-

tion of having to raise their families single-handedly. It has to be the most difficult time in their lives and we make it that much more difficult.

To begin with, the person who is left behind—the widow—is faced almost immediately with the task of looking after the needs of children without the kind of income she had previously. In the case of a wife who has stayed home, chosen to remain at home and raise the children she has a great deal of difficulty finding any way to make money.

I want to talk about my own city for a moment because there is a case there which has worried me for eight years. It would have worried me longer except I have only been here for eight years. This lady lives outside the city of Hamilton. There is no regular bus service. When she was widowed she was left with three children and the payment she got from the Workmen's Compensation Board was totally inadequate. She had to receive a supplement from welfare every year in order to make ends meet and she found it very difficult.

There were times without number when she couldn't afford to pay the taxes. I can recall going out and trying to help raise money so she wouldn't be forced to move out of her house. All of the costs went up year by year. The cost of raising those kids went up, too; the costs of just living went up. She couldn't get employment because there was no way for her to get from where she lived to a job.

She wasn't skilled—she hadn't worked in 10 years—and when she went out to look for work, as she did time after time, she found employers would rather hire someone who either lived in the city and had easy access to that particular place of employment, or who had a car or who had recent experience in the workplace.

This woman tried for years and she did without. I don't think we need to have that kind of situation in the Province of Ontario. You are not talking about great hordes of people; you are not talking about tens of thousands of people who are suddenly widowed and faced with the kinds of problems that particular person is faced with.

It is pretty obvious that at that point in her life she needed more help than she had ever needed before. Her income was cut, probably by two-thirds—maybe more than that, but at least by two-thirds—so that she then had a third of her previous income and she had to adjust all of their living standards to the new payment schedule. You haven't changed that.



Your changes in this particular section of the bill haven't really even kept pace with the actual cost of living in the Province of Ontario. Given the way in which mortgages are currently amortized, there is no way that a person could adjust her standards and still live reasonably within the allowance that's made under this Act.

Surely we have a responsibility—not only the Legislature, but people right across the province—we all have a responsibility of some kind one for the other. Surely, in a time of great stress, we shouldn't impose even more stress on individuals. Surely we should recognize that woman's right, if she so chooses, to remain at home and to raise her family; and if we recognize that, then surely we can afford to pay a reasonable allowance in order that she can do that.

I just don't understand the government's attitude. I've never understood it. I remember the debates so well over the years, not necessarily with this minister, but with his predecessors, who couldn't seem to appreciate that these people get into this situation through no fault of their own and that for many the opportunities to save money are almost non-existent because the cost of living has been allowed to run rampant. For a great many the cost of simply paying their mortgage is far more than the allowance itself. For some the choice of looking after their family is a very important choice, one which they make because they believe it's important that they should be there to guide and to help them. But even more important, right now in the Province of Ontario there are very few employment opportunities for people who have been out of the workplace for long periods of time and who have very few skills.

This is what you are faced with; you've got to adapt your programmes to meet the times, and you don't do it. Your programme of payment to people has to be satisfactory to meet the economic times that we live in. There is no point in standing in the Legislature and talking about these people's obligation to go out and to find other sources of income, because at this particular time in 1975 that is virtually impossible.

When you set payment levels so low that those people are faced with the prospect of losing their home, of eating inadequately, of not being able to provide for their children at a level that allows them to live in the community with the other kids or that enables them to allow their children to take part in all of the programmes that go on in the school, then you've failed. When you set up

a programme that doesn't recognize these things then you've failed.

If by adopting the suggestion of my colleague you feel that somehow or other the payment is too high for the numbers who can find alternative employment, so be it. For the few people we're talking about in the Province of Ontario who might get a little more than you happen to think is a suitable amount, then I just say, "Good luck to them." But for the great numbers who don't get enough, then we surely have an obligation to do something about them.

For the life of me, I just can't understand what it is about this government, what it is about the cabinet, what it is about the Tory mentality, that every single Labour Minister, no matter how starry-eyed when he begins, comes in with changes to the Workmen's Compensation Act that don't allow for a reasonable level of payment to people who are widowed. We make the same argument with other ministries, but surely it has to be recognized that in this case there wasn't an alternative. It couldn't have been foreseen. There was no way to make any kind of provision for such an event because nobody can guess that this sort of hardship is going to come on them.

When it comes on, it is traumatic and for many people it requires a long adjustment period. It does require that they be given a good financial base from which to work during that adjustment period and that they are taken care of in such a way as to enable them and their children to live in dignity and without feeling that they are getting handouts or having to go down and get extra assistance from one or other of the social and family service offices. That's what you do. It is absolutely imperative that you change your views on the needs of people who are widowed and who qualify for benefit under the WCB.

You have got to establish an income level for those people that will enable them to continue to live. If the widow had been more fortunate and, rather than having been killed her husband had been totally disabled, she would have got more. Yet she might not have needed it any more because at least the husband would have been there. Although he might not have been able to work, he would have been there to take on some of the responsibilities of parenthood.

**Mr. Bounsall:** Babysitting.

**Mr. Deans:** He might have been able to babysit. That is a good example. He might have been able to babysit while she went and got a job, which would have been in it—



self a tremendous asset. Yet somehow or other you are going to penalize the person at the very time when she needs the help the most. It makes no sense at all.

Don't use the Canada Pension Plan argument with me, because if that man, having been injured in work, had received a total disability pension from the Workmen's Compensation Board, he too would have qualified under Canada Pension Plan for total disability from that too. Since, therefore, you didn't use that in making your calculations with regard to total disability, why, in heaven's name, are you going to use it now with regard to pensions for those who are widowed? That argument doesn't hold water. I listened to your making it and I thought at the time that it was the most ridiculous argument that I had heard in a long time in this House.

I realize that I am probably wasting my breath on it, but there are very few things that I feel as strongly about as this particular matter. I am absolutely convinced that we in the Province of Ontario can afford to pay to widows an amount which will enable them to live in dignity at a level that is reasonably close to that which they had lived at previously. Until such time as we have a sufficient number of jobs available in the Province of Ontario and until such time as your leader, the Premier (Mr. Davis) of this province, can stand in his place and tell us something about his manpower policies that will produce new employment opportunities for people, don't stand in your place and tell us that these people ought to be able to find alternative sources of income.

I asked the Premier a week ago, if he could show me one single programme in the Province of Ontario that had been produced, as a result of anything this government had done, any number of jobs. He couldn't name one. He referred it to the Treasurer (Mr. McKeough) and he couldn't name one either. Then you tell me that these people, who are widowed, and faced with the dismal prospect of having to raise a family, faced with all of the traumatic experience of having to go it alone for either a short or an extended period of time, and faced with having to adjust to living by themselves and making all of the decisions without any support, are going to have to struggle by on this.

Do you know that there is hardly a member in this Legislature who doesn't charge more than this against his expenses on a monthly basis? We get 15 cents a mile. We get hotel allowance. We get air fare to here and there; and, on balance, there isn't a member here who doesn't charge more against his or her allowance than the total

amount made available for all of the necessities of life under this section of this Act for a widow. There is something inconsistent about that.

I want to hear from you, without reference to the Canada Pension Plan, without reference to the opportunity to go out and find alternative sources of income, how you think that a young woman with three children living in a house under the Home Ownership Made Easy programme would be able to make ends meet on this allowance. Good God, she would lose the house right away because she wouldn't be getting a sufficient amount of income. She wouldn't even have half of the requirement. She couldn't afford to get a bus because bus fares are very expensive. Together with the federal government, you just raised the cost of gasoline 10 cents a gallon; therefore, she couldn't afford to drive the family car, even if there was one. She has been out of the workplace for 10 years. She has no recent salable experience as far as employment opportunities are concerned.

Your leader, the Premier, doesn't have a single new job in the province as a result of a single programme of this government. Tell me where this person is supposed to go to get this additional help. I just find this almost impossible. It is the most frustrating, aggravating part of this government. You don't know how to deal with people, you don't even give a damn about their needs, yet you sit there and bring in bills and expect applause and accolades. I am surprised at you. I expected better from you.

I tell you right now that this is not nearly satisfactory. And if you are not prepared to make amendments to it now, for God's sake at least recognize that the problem exists and tell us that you will come back to this Legislature at some appropriate time in the near future with changes to these sections of the Act that deal with the payment to widows to guarantee that they will at last have the financial backing they need if they don't have the assistance of a partner.

It doesn't make any sense to me—I find it difficult to talk about it reasonably because it just aggravates me so much—the way this government looks out and can't even identify the simplest of problems when they are so obvious to anyone. Surely the minister has dealt with people on workmen's compensation who are in exactly the situation that we are talking about. Surely he knows himself the frustration of having to turn around to someone and say, "I am sorry there is no other assistance that you can get. You are going to have to sell your house." Or: "I am

sorry, you are going to have to just let it go a lack of payment on the taxes." Or: "Your kids aren't going to be able to go on because we can't get you any more money. Your daughter who is now 16, is going to have to get a job to support you, because there isn't any further assistance from this government to help, and she is not going to be able to go on to school." Surely you have had these kinds of situations brought to your attention.

What you are offering is totally inadequate. It's a slap in the face to members of this House; it's a slap in the face to the people of the Province of Ontario. I don't understand this government. I don't think I will ever understand it when it comes to the way in which it deals with the needs of people as they exist today—not as we might project that they will exist at some time in the future, but as they actually are in every municipality right across the province.

You can find money for the most ridiculous programmes. Every time I turn around I am getting blared out at me how the Province of Ontario is going to share your house with you or something.

**Mr. F. Young (Yorkview):** Advertising for the election.

**Mr. Deans:** Every time I turn around I see ministries and ministers spending more and more money. What do we get? Some ridiculous billboard in Times Square talking about the Premier and the Minister of Industry and Tourism (Mr. Bennett). Every time I look around I see the government spending money on things which will yield absolutely no benefit of any kind to anybody. You can find money to reimburse manufacturers for machinery they purchase which is built outside the country but you can't find an adequate supply to provide for the needs of the people who are working and who, through no fault of their own, are injured seriously or killed. You can't find that.

I say I hope this is the last time I ever have to speak about this because, honest to God, I hope you don't come back—not personally—but I hope your government doesn't come back so that something worthwhile can be done in these fields if nowhere else. This is the measure of a government; it's the measure of a nation; it's a measure of the Province of Ontario and its people—the capacity of the province to use its resources to benefit the people who need it.

These people are in the situation they are in without having had any premonition, without having done anything of any consequence against anybody. It seems a shame they have

to be punished simply because one or the other of the family gets killed in an industrial accident. It's a pretty cruel way to go about your business.

**Mr. Chairman:** Does any other member wish to speak to the amendment?

**Hon. Mr. MacBeth:** Mr. Chairman, as I say, I don't have a great deal more to add to what I have already said. I am not going to disagree with what my friend the member for Wentworth has said insofar as a widow getting by on \$286 is concerned. When I referred to Canada Pension I was simply suggesting that many of them do have other sources of income of one sort or another.

**Mr. Deans:** That is also true of the totally disabled.

**Hon. Mr. MacBeth:** That is quite correct but I think it was suggested the other day that few of them had other sources of income and I am suggesting there are others.

It's not pleasant for me to suggest that maybe these hardship cases do have to turn to welfare and that in itself is another source. But unless we are going to develop some means test—and this is where I say it becomes a welfare Act, when we start looking at means tests—I think there are going to be these hardship cases. I say we are taking the average cases.

I come back to the example—I know the opposition chooses to ignore the example—of what is the difference between the widow who finds herself in that position by reason of an industrial accident and the widow who finds herself in that position by reason of her husband having a heart attack?

**Mr. Deans:** Okay; can I answer that for a moment?

**Hon. Mr. MacBeth:** This is where I think there should be eventually some overall welfare scheme, as the member for Hamilton East (Mr. Gisborn) suggested. In the meantime, one widow is helping add to the supplement of the other woman in the price she pays for products. I'll be glad to listen to the—

**Mr. Deans:** I am sorry but I must respond to that. There isn't any difference. You made the difference by virtue of having the Act in the first place. I have said many a time there is nothing holy about getting hurt at work over against slipping and breaking your leg on your way to work. You still require an income regardless of where your disability is derived. It makes no difference,



and I agree with you it makes no difference but you don't penalize the one because you can't provide for the other.

**Hon. Mr. MacBeth:** Yes, but it is the other who is being deprived.

**Mr. Deans:** Surely to heaven, if you believe what you are telling me—that the widow who is in receipt of benefit under the Workmen's Compensation Board and the widow whose husband has died as the result of pneumonia should receive equal treatment—you at least begin at a level which allows each of them to live reasonably, that's where you begin. If you want to have a programme to provide for both of them, for heaven's sakes create such a programme. You are the government; bring it in and we'll support it.

**Mr. Bounsall:** We have been advocating it for 13 years.

**Mr. Deans:** Bring it in but don't sit and tell me you can't pay the one an adequate amount of money because the other doesn't get anything. You have raised another point and it's a good point too. How many times have I had people come to me, asking about the widow's pension in the Province of Ontario. Do you know what I have to tell them? There ain't no such animal. There is no widow's pension in the Province of Ontario; none.

Oh there is a mother's allowance payment, but that requires you to have children living at home. But if you are unfortunate enough, or otherwise, if your children have grown up and left or you have no children, then there is no widow's pension of any kind in the Province of Ontario. So surely to God you are not going to turn around and create no payment for people whose husbands are killed in industrial accidents simply because your government is negligent and doesn't have a widow's pension? That's very silly.

If you think, as I do, that if a person dies there is a need to be filled, and if the job market doesn't provide any kind of opportunity for people, and if there is no other source of income for them, that they should receive a pension commensurate with their needs in this society that we help create by the legislation that you bring in, then bring in a bill, bring it in. Tell us what you are proposing and we will support the principle of it and we'll try to increase the payments. I know we'll have to, because I know when you bring it in the payments won't be nearly high enough. But don't use those kinds of silly arguments.

**Hon. Mr. MacBeth:** Mr. Chairman, I am not prepared to admit it is a silly argument. I am saying the suggestion that the member for Hamilton East made the other day is the direction in which society eventually has to move—it has to make some provision for all people who suffer in this way. But society has to be able to afford that. The member for Wentworth says the government can simply bring in a bill, and this perhaps is where our philosophy differs from his; we can only bring in these things as we can afford to pay for them.

**Mr. Deans:** No, no.

**Hon. Mr. MacBeth:** We can get into the argument of whether we can afford to pay for them, but—

**Mr. Deans:** Don't give me that line of garbage.

**Hon. Mr. MacBeth:** Well, you call it garbage; I don't happen to call it garbage.

**Mr. Deans:** That is nonsense and you know it. When the government wants to bring in some ridiculous giveaway programme you can find the money.

**Mr. Chairman:** Order, please.

**Hon. Mr. MacBeth:** These are big sums of money we are talking about when we're talking about some kind of universal insurance—and I think is necessary. But what I'm saying is, in the meantime, until we get some sort of system to treat the two dependants equally, then the dependant who is not getting any support as of right from workmen's compensation is, through society, helping to pay for her more fortunate sister.

**Mr. Deans:** I agree.

**Hon. Mr. MacBeth:** You can scoff at that argument if you want, but society is the one that picks up the bills for all of these schemes one way or another. It's not some rich corporation sitting over there; it's you and I and the rest of our fellow people from Ontario who are paying for this. I would like to see some sort of universal scheme to protect all people in these positions, but until we can afford that I don't see that we can put the average person so much ahead on the basis of a few—I say "a few" and you say "many"—welfare cases—I'm sorry, I don't mean welfare, I mean hardship cases.

**Mr. Deans:** Oh I see. It is funny that the minister should use that word.



**Hon Mr. MacBeth:** I said I don't want to make it welfare, but this is the—

**Mr. Deans:** That is exactly what you are doing.

**Hon. Mr. MacBeth:** No, but these are the cases you are always bringing up. There are other means to assist these people, such as welfare. It is too bad, but if we make the average payments on the basis of making the welfare needs or the hardship cases the level of need then there are many who will be getting much more than they need to receive to get by. As a matter of fact, they will probably be much better off than they otherwise would be.

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** The universal sickness and accident scheme which the minister refers to, that the member for Hamilton East spoke on in the debate, was first introduced by that member to this House back in 1958 or 1959 in the form of a written resolution on the order paper. It is not a new concept for this House. For the last 16 or 17 years, the government opposite has refused to have anything to do with that type of sickness and accident insurance that this province so desperately needs. We have been at some pains throughout those years—and I've read the Hansards that have dwelt on this topic since the time the member for Hamilton East first introduced that resolution—to encourage this; at times members have carefully explained how that programme should be funded to be an adequate programme. It isn't a case of being able to afford it. There are three components by which a fund of that sort should be able to be funded. One is from the assessments upon industry for accidents which occur in that industry; the second is from the auto insurance accidents, when an accident occurs there; and the third, unquestionably, is from a general insurance premium for that type of coverage for every person of working age in the Province of Ontario. That premium would not need to be a very high one with both the automobile accident and the accidents which occur at the workplace figured into a complete province-wide scheme.

We are not talking about the province's being able to afford it. The Workmen's Compensation Board would be incorporated into that general insurance scheme as the group which is able to assess the industries with its experience of determining that an injury is work-related. That is the portion of

the board which would be retained and incorporated into that scheme. The board with its present complement, without much adjustment, may well be able to administer the entire scheme for the province. The overhead would not be all that significant because there are areas of the board in connection with its present function and its own appeals and arrangements for appeals that would not necessarily need to be carried on. In fact many areas would disappear.

The overhead for this would not be very much. You can't use the fact that for 16 or 17 years the government opposite, of which you are a part, had done nothing in this whole area. The country of New Zealand has had operating for three or four years now a scheme similar to what we propose. You can't use the fact that you haven't acted on that scheme as the means by which you won't properly reimburse a widow whose husband has been killed in the workplace or a widower whose wife has been killed.

There can't be very many of these a year. I just tried to leaf through the board's annual report and couldn't find the number of deaths that occurred in the workplace in the year 1974. I hope it's in there and that I've just missed reading it. If it isn't, it should be. There can't be that many of them. The amounts of money involved are very slight.

In a sense, by placing the amendment the way I have, I've fallen into your trap. I've fallen into the trap of looking at the Acts over the years and seeing that that pension to the widow or widower has been equal to the minimum pension for the totally disabled. That's the minimum pension that you would pay out.

There is no reason why the pension to the widow or the widower should not be consistent with the rest of the Act, namely, three-quarters of the earnings which that person who was killed made and earned in the year previous to that accident, adjusted by the same percentages as your other pensions are adjusted. To be consistent with what it should be in the rest of the Act, it shouldn't be equal to the minimum of the totally disabled, it should be 75 per cent of the total earnings of that person, again adjusted by the cost of living, which you seem to have done this year. That is what the figure is. It is not so small a figure as that I have placed in the amendment, that is \$515; or which you, to be consistent with another part of your Act, should have placed in it, that is, \$400 rather than than minuscule amount of \$286 that you have put in here.

I stress again—and you are the one who has been doing this for the last two amendments to this Act—when you get up and talk in terms of need about the example of a woman perhaps getting this pension and working side by side with another woman who has never been married and therefore being at an unfair advantage to that woman, it's you who make a welfare scheme out of it rather than what this Act should be, which is replacement of earnings for an injury or an accident suffered in the workplace.

The most vital accident you can have is the death of that worker in the workplace. Pensions should be based on what happens in the rest of the Act—that is 75 per cent of that worker's earnings—and not equal to the minimum of the totally disabled person.

We are really, in our amendments, letting you get away scot-free with something you shouldn't be allowed to get away with. You can take every example you want of a widow of a worker killed in the workplace and what happens to the total income of that family as a result of it, if you do want to talk needs, because you've accused us consistently of taking the lower end of the scale. Take any sort of example you want. Take a man whose making the average salary per year in this province as of the month of June, \$10,400, hether or not his wife is working. If he gets killed in the workplace, you are willing to replace \$10,400, the average earning in this province, by \$3,432. What it means in straight cold cash is a \$7,000 drop. Whether or not the wife stays at home, whether or not the wife herself is working, whether or not she has a whole host of private income, the same \$7,000 drop in income occurs in that family.

We are not just arguing the low end of the scale; it applies no matter where it occurs. It means a \$7,000 drop, and we are saying there is no justification for that amount of drop and that total difference.

**Mr. Chairman:** All those in favour of Mr. Bounsall's amendment to section 16 will please say "aye."

All those opposed say "nay."

In my opinion the "nays" have it.

**Hon. Mr. MacBeth:** I believe there is one stacked.

**Mr. Chairman:** Yes, there is one stacked.

**Mr. J. A. Renwick (Riverdale):** It is our wish to divide on this amendment alone.

**Mr. Chairman:** Do you want to stack?

**Mr. Renwick:** We do not want to stack this amendment, no.

**Mr. Chairman:** Actually we only have sections 17 and 18 left in the bill. Section 17 reads: "This Act comes into force on July 1, 1975."

**Mr. Bounsall:** Mr. Chairman, since there are only two more sections, and we are almost through, I wonder whether they could not be stacked.

**Mr. Chairman:** We can deal with sections 17 and 18. That will be fine.

Shall section 17 carry?

**Hon. Mr. MacBeth:** No. Please, sir, I have an amendment for that. I think it's acceptable to all sides. It is to change the wording to read: "This Act shall be deemed to have come into force on July 1, 1975."

**Mr. R. Haggerty (Welland South):** Mr. Chairman, I want to speak on section 14.

**Mr. Chairman:** Section 14? Section 14 is already carried. We are up to section 17.

**Mr. R. Gisborn (Hamilton East):** That was passed a week ago.

Mr. MacBeth moves section 17 of the bill be struck out and the following substituted therefor: "This Act shall be deemed to come into force on July 1, 1975."

Section 17, as amended, agreed to.

Section 18 agreed to.

**Mr. Chairman:** Now we will deal with the two stacked amendments.

**Mr. Chairman:** Mr. Bounsall has moved that section 5 of the amending Act be amended in the portion dealing with new section 41a (1) by deleting in line 3 the number "2" and substituting therefor the number "6"; by deleting in line 5 the number "4" and substituting therefor the number "12"; and by adding after "1974" in line 8 the words "and thereafter adjusted annually by the same percentage as the percentage change in the consumer price index."

The committee divided on Mr. Bounsall's amendment which was negated on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 29, the "nays" are 50.

**Mr. Chairman:** I declare the amendment lost.

Section 5 agreed to.

**Mr. Chairman:** Mr. Bounsall has also moved that section 16(1) be amended by deleting, in



the third line, "by adding thereto 10 per cent thereof"; and substituting therefore "to \$515 for a widow or widower and \$120 for all children."

**Mr. M. Cassidy** (Ottawa Centre): We will accept the same vote, Mr. Chairman.

The committee divided on Mr. Bounsall's amendment which was negated on the same vote.

**Mr. Chairman:** I declare the amendment lost.

Section 16 agreed to.

**Mr. Chairman:** Shall the bill be reported?

Bill 106, as amended, reported.

Hon. Mr. Winkler moves that the committee rise and report.

Motion agreed to.

(The House resumed; Mr. Speaker in the chair.)

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with a certain amendment and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 106, An Act to amend the Workmen's Compensation Act.

### LABOUR RELATIONS AMENDMENT ACT

Hon. Mr. MacBeth moves second reading of Bill 111, An Act to amend the Labour Relations Act.

**Mr. Speaker:** Does the hon. minister wish to make an opening statement?

**Hon. J. P. MacBeth** (Minister of Labour): I would like to make a few remarks, Mr. Speaker.

When I introduced Bill 111 on June 13, I referred to certain of its highlights, undertaking to elaborate on other matters on second reading. There are approximately 19 important substantive amendments in the bill and I do not think it appropriate to take the time of the House to elaborate on each of them at this stage. However, now that the hon. members have had an opportunity to

consider the bill in detail, I think they will agree with me when I say that a major theme, perhaps the dominant theme running throughout the proposed amendments is an increase in the jurisdiction of the Ontario Labour Relations Board to deal with a much wider range of problems. Let me give one important example.

Under revised section 79 of the Act, section 21 of the bill, the board is given increased powers to deal with contraventions of the Act by employers or trade unions, including contraventions of section 14, the section which obliges the parties to bargain in good faith and make every reasonable effort to make a collective agreement.

Previously, allegations of bad-faith bargaining could only be brought before the board by the aggrieved party on an application for consent to prosecute in the provincial courts. Under the old Act the board could only screen such cases and was without power to develop any jurisprudence defining the ingredients of bargaining in good faith; nor did it have the power to grant any relief against the defaulting party. Under the amended section 79, the board will have these powers. They are, of course, powers which will have to be exercised wisely and responsibly.

I do not for a moment underestimate the difficulties which the board may encounter in attributing fault where bad-faith bargaining is alleged. However, I think it is entirely appropriate that this task be in the hands of a specialist tribunal, well acquainted with bargaining techniques and difficulties.

As the hon. members may know, in proposing this amendment we are giving to the Ontario board powers similar to ones now vested in the United States National Labour Relations Board. In my view, it is idle to suggest, as some have done, that good-faith bargaining offences can be codified or categorized exhaustively in advance. These determinations must be made on a case-by-case basis, and I am confident that the Ontario Labour Relations Board is the tribunal best qualified for this work.

The other important accretion to the board's jurisdiction is the discretionary authority to grant cease-and-desist orders in all cases of unlawful strikes or lockouts. The board now possess this power under section 123 of the Act in relation to illegal strikes and lockouts in the construction industry. I am proposing, in the amended sections 82 and 83 of the Act, section 22 of the bill, to extend this important power to enable the



board to exercise this injunctive relief to halt work stoppages in industry at large.

Although there has been some criticism from trade unions about this broadening of the board's powers, I do not believe the criticism to be well founded. The Labour Relations Act is premised on the requirement that all disputes arising during the life of a collective agreement will be settled by final and binding arbitration without stoppage of work. The illegal or wildcat strike undermines the entire system. How can it be reasonably argued then that the board, which has broad powers to control employer contraventions, should be denied parallel powers to prevent union abuse. I make no apology therefore in proposing that the board be given this important countervailing power aimed at deterring illegal work stoppages.

Mr. Speaker, I look forward to the debate on this important bill. In my view, it is in the public interest that it be enacted with the least possible delay. At the end of the formal second reading, Mr. Speaker, I am going to suggest that it be referred to standing committee so that the thoughts of some of the public may be obtained. Thank you, Mr. Speaker.

Mr. Speaker: The member for Welland South.

Mr. R. Haggerty (Welland South): Thank you, Mr. Speaker. I appreciate receiving the minister's comments, particularly that he is going to refer the bill to the standing committee. I think there are some important matters in the bill that should be discussed by those persons who are involved in labour relations in the Province of Ontario; the unions in particular will have some input into the matters concerning the standing committee.

I want to relate a few comments concerning the second reading of Bill 111, An Act to amend the Labour Relations Act, and to inform the members of the Legislature that the official opposition party supports the principle of the bill but with some reservations.

The bill itself is perhaps an improvement on piecemeal legislation. The proposed amendments are no doubt based upon some of the 17 recommendations brought forward in the report of the royal commission on certain sectors of the building industry, perhaps better known as the Waisberg report, as it relates directly to illegal activities uncovered during the investigation. The report itself contains some interesting and alarming information. I suppose, Mr. Speaker, the final analysis of the report indicates to the govern-

ment and to the public what a handful of men led by certain union business agents can do to a city and province by causing complete disruption and corruption in the construction industry in Ontario.

We in the Liberal Party strongly endorse the principle of free collective bargaining. Strikes are an integral part of the collective bargaining process, particularly in good faith bargaining. This has failed, not in a great number of cases—perhaps less than five per cent—but in a sense that the public has been alarmed by the number of labour disputes across the Province of Ontario and perhaps throughout Canada. The proposed amendment gives the Ontario Labour Relations Board the power to issue injunctions to an illegal strike and easier for the unions to obtain certification without a vote.

We in the Liberal Party have, on numerous occasions, suggested that the application for certification for employees' representation shall be 50 plus one, a reasonable approach which would remove the very contentious areas between employer and employees for collective bargaining rights. Perhaps where there are objections by any employee in a proposed union agreement or application for a union, then perhaps it should follow the principle—as it is under the Ontario Municipal Board—that where there are objections there should be a secret ballot called to make sure that the proper steps and procedures in certifications are there.

I think the Province of Ontario is the only province in Canada which requires more than a single majority for certification without a vote. The Ontario Federation of Labour's 1975 legislative proposals stated that "evidence of a simple majority of 50 plus one should be enough for automatic certification."

That, again, is perhaps where the Province of Ontario is falling behind the other provinces in Canada, by not following the 50 plus one majority vote.

The Waisberg report, Mr. Speaker, speaks out strongly on the issues of scandal and illegal activities and labour rifts between organizers and management, and management has not been innocent in this issue. Perhaps this report is a spin-off from the Quebec construction industry report on scandals and corruption, as mentioned in the Cliche report. Both reports have tarnished the labour movement in both provinces, and I do hope that both reports are taken seriously by all unions and management and by government and that an improvement in their images can be advanced for the public good, without further involvement of government actions and, if

necessary, on a voluntary basis with both management and labour. We in this party strongly support the free collective bargaining concept and do not want to see any further erosion of that concept.

From all illegal activities and corruption in certain sectors of the building industry as it relates to the Waisberg report, the minister has accepted some of the recommendations of the report and has attempted, in some small way, the restructuring of the Labour Relations Act.

Mr. Speaker, I believe when the report was tabled in the House here a statement was made by the hon. Robert Welch, QC. This is dated Dec. 19, 1974, and it says:

I wish to assure the members of the House that the law officers of the Crown have worked closely with the investigating staff of the commission, as a result of which certain charges have already been laid. There are some matters in the report which are presently under police investigation, and I expect further charges to be laid in the near future.

The commissioner's recommendations with reference to labour-management relations in the sectors of the building industry which formed the subject matter of this inquiry will be considered, of course, by the Minister of Labour.

We have some amendments to the bill here today, but the point is that there are further charges to be placed before the courts and, hopefully, the minister is following the suggestions by the former Attorney General of the Province of Ontario that these matters will be dealt with and those persons involved—in particular, those innocent persons, the employees themselves—will have their day in court. I make reference to that particular comment in "Worker Wins Probe of Allegations that Union Manager Coerced Him."

I do have some involvement, perhaps in a small way, with this particular person. He did come into my office one day, I believe it was about two years ago, and I had made reference to the labour branch of the Ministry of Labour, with very little result, on the matter of his wanting to testify at that particular hearing. Eventually it ended up with the Attorney General's department and from there on they certainly did look after him and his complaint about being coerced through certain union activities within the Province of Ontario. Particularly it related to his personal bodily injury, which occurred to him during that special incident.

I'm speaking only from memory now, Mr. Speaker, but I recall he did have a severe bodily injury and threats to his life and perhaps to his personal property and so forth. I feel he is now having his day in court and hopefully the courts will side with him on his complaints to the Ministry of Labour that perhaps they were not doing their jobs as they should be. The report also indicates to curb the wheeling and dealing by both employees and union business agents for their personal gains or favourable positions, too often at the expense of the labour worker in the construction industry, in some instances amounting to action to coerce and intimidate the worker with bodily harm.

The report says illegal tendering practices and bids for contracts were often rigged, not for the benefit of the employees but for the vested interests of the union business agent or heads and management. As to whether the amendments to the Labour Relations Act will control the illegal activities, the blacklisting of employees and the blackout of labour production in the related industry, only time will tell.

Perhaps much of the fault lies directly with the Ministry of Labour as it relates directly to the Labour Relations Act and the Labour Relations Board. Many grievances and applications placed before the board are time delays, which continue to be present. I have noted the complaints raised by both unions and individuals that some hearings continue far beyond a reasonable time. All one has to do is look at the monthly reports to see the Ontario Labour Relations Board is almost as terrible as the Ontario Municipal Board in hearing applications; in both instances it takes up to two years to finalize an application.

There is no doubt about it, Mr. Speaker, the operations and functions of the Ontario Labour Relations Board have become too technical in their approach to labour disputes. It has become an adversary system; a courtroom approach far above the normal understanding and input of the employee, or even the union, to be effective in any arbitration hearing or certification application. The board is out of reach of the working class of people in Ontario, to understand its proper function as it relates to industry and labour groups.

Mr. Speaker, to back that argument up, one has to go back to page 337 of the Waisberg report on labour-management relations and some of the recommendations there. It is section 5, labour-management relations, about which Judge Waisberg said:



I was told that the procedures before the board had become very technical and complex, that it was necessary to be represented by legal counsel, and that proceedings had become very expensive. This is far from the original concept of the board, which I understood was formed to provide a practical approach to labour problems. Section 103 provides that no proceedings are invalid by reason of defect in form or technical irregularity. Then section 91(3) provides for rules to expedite proceedings. Something should be done to bring the board back to its original concept.

There is a strong recommendation in the report and perhaps the minister should be looking at that particular section as it relates to certification, accreditation and arbitration. He makes two or three strong recommendations, particularly on these sections, and I thought perhaps the minister would have additional recommendations in his report.

Mr. Speaker, I believe the time has come for the Minister of Labour to implement a programme of action for a complete review or in fact to initiate an independent study by a competent person or a select committee to revamp the Labour Relations Act and its regulations and procedures. It is time that Ontario had a new labour court, one that has understanding and purpose and is not out of reach of employees in industry. Delay in arbitration hearings and certification must be settled in a more efficient and less time consuming manner if we in Ontario want to remove the feeling of despair and frustration to unions and employees.

This piecemeal legislation is not the answer to Ontario's labour problems. Delays are costly and irritating, causing much unrest to the parties concerned and the general public.

Mr. Speaker, if I may deal with the bill in more detail, and in particular with section 1, I must say I am a little bit lost on the interpretation of this particular section as contained in the explanatory note, which reads: "the term 'employee' is defined to include 'dependent contractor' to bring dependent contractors within the application of the Act and the term 'dependent contractor' is defined." It goes on to say in subsection 1:

"Dependent contractor" means a person, whether or not employed under a contract of employment, and whether or not furnishing his own tools, vehicles, equipment, machinery, material, or any other thing, who perform works or services for another person for compensation or reward on such terms and conditions that he is in a position of economic dependence upon, and under

an obligation to perform duties for, that person more closely resembling the relationship of an employee than that of an independent contractor."

Well, I am afraid the minister is going to have some difficulty in actually following that particular section and in enforcing it.

I want to make reference to the monthly report of the Ontario Labour Relations Board for October, 1974, which I think I received in February, 1975. On page 725, at paragraph 28, there is a decision that perhaps I should read into the record. It is not clear to me what the minister is trying to bring about under this section 1(1). I will read the decision anyway:

Although it was not argued before us, we wish to refer to the report of the Hon. Mr. Justice Roach, sitting as a royal commissioner under the Public Inquiries Act in *Re Individual Dump Truck Owners Association and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America*, 1958 (unreported). One of the questions before the commissioner was whether independent dump truck contractors could become members of the Teamsters' Union. [In] the decision, the commission states:

"Mr. Lewis sought to get some comfort out of section 3 of the Act which reads as follows: 'Every person is free to join a trade union of his own choice and to participate in its lawful activities.'

"It is perfectly clear from other sections of the Act that the words 'every person' in section 3 do not include and were not intended to include an independent contractor because an independent contractor is not an employee. An independent contractor, if not presently an employer, is a potential employer. Once an employer joins an organization which includes employees in its membership, then that organization becomes not 'an organization of employees' but an organization of employees and employers, and accordingly, though it may have previously been a 'trade union' within the Act, it at once loses its character as such and thereby loses its powers and privileges under the Criminal Code to which more particular reference will be made later."

And later, at page 93:

"Each employer truck owner who paid to the union an initiation fee or union dues or some amount on account of both or either, thereby contributed financial support to the union contrary to the pro-



hibition contained in section 45 [now section 56] and if the board gave its consent to prosecution under section 65 [now section 90] was liable to the penalty prescribed by section 61 [now section 85]."

He goes on to say in paragraph 30:

"As counsel for the complainant suggested in argument, there may well be valid policy reasons for extending protection to certain classes of managerial employees in certain carefully defined circumstances. We appreciate that, ultimately, an employee found by the board to be performing managerial functions may in good faith believe he is an employee entitled to be represented under the Labour Relations Act. Acting on this belief, he may quite innocently participate in the union's organizing campaign and may later be intimidated or coerced because of that activity. Our interpretation of section 61 of the Act as a whole is that such a person has no protection under the Act. Whether there should be such protection is a matter for the Legislature. However, the board cannot, by a misinterpretation of the statute, legislate a right where none exists."

I leave that with the minister. I think this particular section, section 1, is rather confusing. As to whether the minister can enforce it under legislation or bring in legislation that is acceptable to those persons involved in this particular section is questionable.

There are other sections of the bill, Mr. Speaker, which I can just breeze through here but which I feel should be discussed in further detail. One is section 3. I was also particularly interested in section 20, dealing with pension funds, construction trades and so forth. I believe the minister has made reference in that particular section to one of the recommendations of the Waisberg report dealing with pension funds. I think this may provide protection to those persons in the construction industry who are working in a particular zone and leave that zone for employment in another zone. The pension funds that they contribute in that order zone will be portable and will be carried with them, I believe for all time.

Under the present circumstances, under the union understanding of that particular section they used to inform an employee he had to pay union dues, regardless of where he was employed. But in a number of instances the funds that have been allocated for union pension funds do not carry with that employee. I feel in a sense that this person is

being shortchanged and that any pension fund in the Province of Ontario should be portable wherever that employee goes, where he is being employed or working under those circumstances.

The minister mentioned sections 21 and 22. These can be gone into in more detail.

In summing up, Mr. Speaker, the bill is a vast improvement over the others. There are some objections by persons more interested perhaps even than members of the Ontario Legislature who will have their say in standing committee. I wish when the minister sets up the Labour Relations Board in the new proposals that he is putting forth in the amendments that the board sit seven days a week, not only in the city of Toronto, but in major cities in the Province of Ontario.

I speak particularly of northern Ontario. I think there is much time lost in hearings before the board because of the distances certain unions in different cities and towns throughout Ontario have to travel to Toronto to have grievances and complaints heard. I think the board should be the group that should move similarly to the present circumstances that follow the Ontario Municipal Board where an inquiry officer or a hearing officer may go in and hear right there instead of having long delays waiting for a hearing before the board here. The board itself should move about to hear these complaints throughout Ontario.

By taking it to the doorstep of the problems I think you will get a quicker settlement there, perhaps agreed upon by all parties concerned, and we won't have a confrontation on the streets in the Province of Ontario in any labour dispute. I think this is what we want; and I am sure the minister is looking for this, too—some way to speed this up. I think this is one of the suggestions and we will be getting into the bill in more detail in clause by clause. I do have some comments to continue with in certain sections of it—and I am sure my colleagues will—but we do support the bill in principle.

**An hon. member:** Way to go.

**Mr. Speaker:** The member for Hamilton East.

**Mr. R. Gisborn (Hamilton East):** Mr. Speaker, I'd like to say just a few words in regard to this bill, mainly because for 10 years I was the labour critic for the CCF and then the NDP. I saw efforts by ministers and members to make the Labour Relations Act more efficient and more amenable. It's a struggle to come to a conclusion as to

how the government is going to fulfil the objectives of bringing about more harmonious relations in the industrial fields. We must recognize and remember what happens when collective bargaining fails and strikes take place. Even before they start, sometimes the union or management can tell or maybe proclaim that there is going to be a strike because of a particular issue.

I noticed this in my own direct participation in collective bargaining in maybe 10 sets of negotiations in the biggest plant in Ontario at that time; we could almost tell what was going to happen. You look at the political atmosphere, the economic atmosphere, the feeling of the people in the plant, and the atmosphere of the company in its approach to production. All of those things mount up prior to the main strokes or the important strokes of collective bargaining.

It took us some time to convince Ministers of Labour to put into the Act the preamble that is there today. I would just like to read it, because it does strike a note that has to be recognized if a bill is going to be workable in the industrial fields. I quote:

Whereas it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedures of collective bargaining between employers and trade unions as the freely designated representatives of the employees.

This encouragement for the unorganized to join unions has been needed in this province, and also the change from the criticism of the bad unions that was continuously imposed by the press and by the employers and by the reactionaries of the country. At the same time, they have recognized that it has been the trade union movement that has developed more programmes and policies and better conditions for the working man than in any other democratic institution in the country.

I am glad that we now have the word "encouragement" in that preamble; and it should be used more by the Conservative government and in the Conservative Party philosophy. Nobody is going to find a way to avoid strikes. Ontario and Canada have not had a bad record, if you really apply the statistics as they should be applied—not the twisted figures that we have been using across the country in the last few years.

I just want to say a word about the programme of the Liberal Party. As long as I can remember they have promoted the need for a labour court. They have never elaborated or enunciated just exactly what they

mean. But what I do know is that some of the most anti-labour lawyers in this country are active Liberals in their own right in political involvement. And a labour court would be the worst thing that I think we could devise to settle disputes. The legalistic approach to it is not going to do the job, and I wish that the Liberals would get off that constant call for a labour court.

We've had enough of legalistic approaches to collective bargaining and the interrelationship between employers and employees unless they define exactly what they mean by a labour court. Over the years we have had to reduce the legalistic approach to the problems in our own Labour Relations Board and we have come to a point now where I think the Labour Relations Board works fairly effectively inasmuch as we have reduced the legalistic approach to the problems.

I would hope that at some time or other the Liberal Party would try again to define the meaning of the labour court or else enunciate and expand upon exactly how they mean to make it operate. I see the greatest problems arise, and confrontations are generated, when the companies refuse to do their own bargaining and hire so-called labour lawyers. There are quite a few of them around. Some of them specialize in doing nothing else but getting into the labour relations phase. I would bet anyone that when you see a labour lawyer get into the negotiations, they're in for trouble.

It's hard; the confrontation is stronger when management stays away from the table because that labour lawyer makes them believe he's got all the answers and they listen to him pretty closely because they're paying him a good buck. I would hope we won't pay too much attention to the need for more lawyers or the term "labour courts" to settle the differences. Thank you.

**Mr. Speaker:** Does any other member wish to speak to this bill? The member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** Thank you, Mr. Speaker. I've just received advice from the member for Parkdale (Mr. Duszta) on my participation in this debate; if we're not opposing the bill we are probably supporting it so why don't I say that and sit down, as the bill is going to committee anyway? I can't take that advice entirely but I'll be guided by that advice and not go on at undue length.

My feeling, Mr. Speaker, is that where the bill errs is not in what is in the bill but what it hasn't done; what it hasn't confronted. I'm



sure that various of the ministry officials and the minister have looked at various sections of the Act which don't appear in an amended form here; they have discussed them and have decided to put them off for another day. That's a little unfortunate because there's little enough in the bill before us.

It's been almost five years since we had any amendments to the Labour Relations Act; in fact, I believe the Act which came in in 1970 was a new Act, totally rewritten. We've had no changes to that Act in spite of the need for them. The bill, therefore, errs on omissions rather than commissions even though there are a few sections I am a little bit uneasy about.

I would like some further amplification before I could say I totally support a particular section but, in total, it's not very much, it's late and the progress is at a snail's pace. There certainly are movements in the right direction in this particular bill and because of that, Mr. Speaker, we certainly won't vote against the bill.

One of the things I felt disappointed about was there is really no great imaginative step forward toward the problems of the industrial era as we see it today in Ontario. Here we are in the middle of 1975 and there is really no novel or original outlook taken toward labour relations and how one could encourage what occurs in the preamble to the Act—the practice and procedures of collective bargaining. I would have hoped there would have been some innovative sections which would have helped that.

One of the sections of the bill deals with the figures required for automatic certification. That is a step forward in a sense but it is really a step backward in the sense that all we've done is return to the pre-1970 era.

I look the time this morning to dig out the debate which occurred in 1970 in the House when this Act was introduced, where in that Act we increased from 55 per cent to 65 per cent the percentage needed for automatic certification. At the same time the requirements for a vote dropped from 45 per cent to 35 per cent. That was universally hailed by speaker after speaker on the opposition side of the House as an anti-labour piece of legislation and in direct contrast to the preamble of the Act which was to encourage the practice and procedures of collective bargaining.

Contrary to that preamble, it would have prevented and further discouraged the formations of collective bargaining units in the industrial ghettos here in Ontario. I haven't heard that term used now for a couple of

years because I believe the Steelworkers have been very active in the industrial ghetto in the west side of Toronto in particular where one had small units of 40 or 50 or perhaps as many as 100 workers on a given industrial site in virtual sweat-shop situations. They have had to work exceedingly hard to get whatever certifications they have been able to win in that industrial ghetto in the west side of Toronto and in other parts of the province with this 65 per cent figure in the Act.

It was hailed at that time as something which would make it much more difficult and it certainly has. What we have done is returned to the pre-1970 situation in dropping from 65 down to 55. In that sense, it certainly isn't an anti-union move. That drop will enable more certifications to take place, I am sure, than have occurred in the recent past on over the last 4½ years. For the life of me, I can not see why the minister doesn't do what other jurisdictions have done in Canada and drop it to 50 per cent plus one.

Quebec, Manitoba, Saskatchewan, Alberta and British Columbia all have 50 per cent plus one for automatic certification. The procedures for automatic certification are not the simplest. I have had it expressed to me that it is simpler to buy a house in the Province of Ontario provided one has the money, and no one has the money any more. But, provided one has the money, it is a simpler procedure to buy a house than it is to sign up a member into a proposed bargaining unit in terms of forming that bargaining unit and applying for certification.

There is no doubt in my mind that 50 per cent plus one is the fair figure. This is the democratic figure. This is the figure that is accepted in any democratic situation for indicating that a majority of persons want a particular thing. With the procedures that are required when one is signed up, where the signature is witnessed and \$1 is paid, no one goes through such procedures without knowing what it is about, particularly those workers to whom the word "union" is mentioned. They have to consider what for many of them is a very frightening step, whether or not the place has been organized, of being in their minds as going against their bosses.

When they have to go through that procedure, they have feelings which they have to overcome — feelings that many workers have; although perhaps they decrease with the particular size of the organization but less so in a small organization, feelings of just loyalty to the person who gave them their jobs, particularly if they were young persons and were appreciative of getting a job, hav-



ing come out of school some two or three years previous to this or perhaps just immediately before. They have that feeling of loyalty to the person who has employed them. Someone comes along and says, "How about joining a union? It will allow you some job protection." This is in my way of thinking the main purpose of a union.

They have to overcome those feelings of loyalty. They have to sign that card. They are perhaps feeling sort of half-guilty about being disloyal and they have to sign that card and pay \$1 to see their signature witnessed. That is not a step which is taken lightly or is taken unthinkingly by any worker in the Province of Ontario. Anyone who suggests that this is the case just doesn't know the difficulties that are involved in the signing up of workers in the workplace.

Therefore, I can't follow the reasoning of anyone who suggests that 50 per cent plus one, which is the democratic figure, is too low a figure and that it should remain at 55 per cent, particularly where this is one place in this Act where it appears that the bias of the government may be coming out. Although the union wishing to organize a particular company must get 55 per cent, the employers do not have to go through that same 55 per cent vote. Sections 115 (a) and (b) of the Act, where employers get together and take a vote so that there can be a bargaining agent acting on behalf of employers in this province require only a 50 per cent vote.

Here the minister has a group of employers able to come together and form a bargaining agent which will act on their behalf by a simple majority vote. Yet in this section of the Act we continue to require union members to have a 55 per cent vote. Granted it's better than 65 per cent, but at 55 per cent they are being discriminated against, whereas employers have to have only the simple majority. This discrimination should end without question, Mr. Speaker, and 50 per cent plus one should be the criterion for automatic certification for unions, bearing in mind the fact that the procedure of signing the cards and paying the dollar is not that simple a procedure and certainly not a procedure that someone takes lightly or that someone does in their sleep or late one Saturday night after a few drinks in the bar of a hotel. It's not lightly taken and it should be 50 per cent plus one without question.

Another couple of things which disturb me about the Act are the exclusions which are still represented in it. This amendment Act did not knock out the exceptions for

domestics employed in private homes or persons employed in agriculture, hunting or trapping or those persons involved in agriculture or horticulture. Those are exclusions which I would have hoped would have been dealt with and removed as exclusions from this Act.

No one has any doubts that domestics in homes are going to be easy to organize or that any particular union wanting to take on the organization of domestics in private homes in a large city like Toronto, for example, would have an easy task of it. They are, by and large, immigrant persons who don't speak the English language very well themselves.

If one got a group of 50 of them together, there would probably be 15 different languages spoken. It's not a group very readily got together in the first place. When one gets them together, they can't speak the same language. But without doubt they are a group, if I can look at them as a group in our society, which is discriminated against, partly because they are immigrants. These domestic servants should not be disallowed being able to form a union should they so wish.

I have no doubt that there is not a great lineup of domestic servants wanting to form a union. It would have to be done on some sort of an area basis, but should they so do, people who are severely discriminated against as a group, as they are, should not also bear the additional discrimination of not being able to organize.

As for agricultural workers, Mr. Speaker, in the amendments to the regulations accompanying the Employment Standards Act, the minister took some steps forward this year in terms of part-time agricultural workers being able to qualify for benefits and for what benefits. Hearing that a Labour Relations Act was going to come forward later in the year, at that time I hoped that something would be done about agriculture and horticulture workers being not continued as an exclusion under this particular Act. However, we are doomed to disappointment in that respect.

It's an unusual one. This is the year 1975 in the Province of Ontario. England by and large settled this back in 1836. We are 140 years behind times in our approach to agricultural workers. It was the Tolpuddle martyrs incident in England which cleared up the situation.

Agricultural workers back in the 1820s were particularly depressed but agriculture took a step forward back in the 1830s in England.

However, in 1834, agriculture had a bad year and six Tolpuddle men decided to look into joining the Grand National Union. They joined the chapter and took an oath, an oath being required of all persons joining the Grand National Union. At that time the Home Secretary, Lord Melbourne, was very fearful of trade unions and anti-labour. He was determined to stop their progress and these six men became the victims of his determination in that he had them arrested for illegal oath-taking, even though all union members were required to take an oath. The penalty was transportation to Australia for seven years.

However, that was in 1834. In 1836, Lord Russell became the new Home Secretary over there. He did not have those same feelings of fear or discrimination and he pardoned the men. They all came back to England and that made the point that agricultural workers could join the national unions in England and were not prevented from so doing. That happened in 1836.

It is interesting to note what happened to these six original Tolpuddle martyrs. They all returned to England and all but one of them subsequently came to Canada. Here we have a heritage of five agricultural workers in Canada who had in fact belonged to an agricultural union in England, 140 years ago, and we still have this exclusion under the Ontario Act.

In the horticultural field in particular, because of the way agriculture is changing and developing large acres—corporate farms in essence—it makes it even more appropriate, I think, for the late 1970s that agricultural workers be allowed to form unions. In the area of horticulture where we have people working very much like industrial workers in the area of concentrated flower-growing and so on and in greenhouse conditions where the work virtually goes on all year long, the fact that these workers should not be able to form a union like any other group of employees, when all are doing virtually the same job virtually all year around is a discrimination which should end in the Province of Ontario.

There are several other sections in the bill itself which bother me slightly, Mr. Chairman. One is section 9, where unions can request that the collective agreement contain a provision for a dues checkoff and remittance, but upon the written request of the employees. In this day and age in labour relations an automatic company checkoff should be provided. There is no reason in this day and age why that should become a stumbling block either over the negotiation

table or upon the written request of each employee.

In Canada we are certainly not leading the pack by this suggestion. In Canada Manitoba and Saskatchewan already have automatic dues checkoff at the first contract. In Prince Edward Island, a province in Canada where one doesn't normally expect to have many industrial problems or therefore to be that forward-looking or leaders in the field in any area of industrial relations, upon the request of a union a vote is held and, if a majority is obtained, automatic checkoff is put into the contract. These three provinces have better legislation than we do in this area and I cannot see why Ontario must continue to place itself with the other provinces in Canada where the employees must specifically authorize a checkoff of their dues.

With the locals which are formed this presents not that large a problem, by and large. People have voted to accept the union; they become certified and they willingly sign those checkoff forms. Why, in this day and age, one has to put the union which has just been so formed, with all the problems of so forming, through the particular hassle of the paperwork involved in getting the employees to sign the checkoff again is beyond me. If one really believes in the preamble to the Act, to encourage the practice and procedures of collective bargaining, steps of this sort—this sort of busy work—should simply be removed from the back of one of the participants so they can get on with the job of representing the case of the union, representing the workers.

They can get on with the things which should be going on between unions and employers—that is, the bargaining which should take place between them for the contracts they hope to form and the proper working out of those contracts once formed. The working out of labour relations is an ongoing thing which must take place for industrial peace and sanity to be maintained. They must get on with that job of establishing proper working relationships between themselves and management. To add this sort of busy work for them, seeing that the employees sign the consent forms for payroll deductions and the problems involved in that, seems one other chore which needn't be done.

I had hoped, as well, that the Act would have outlawed the round-robin petitions which take place in companies as they approach certification. The round-robin petition starts when, at the signing up of a group of employees into a union, someone



in the company—usually a foreman—writes the petition saying the following employees don't want the union. It's often typed up on the typewriter which resides in the personnel office.

The workers assume, not knowing where it derived from in most cases, that if they don't sign that form the company will know about it and, should the union fail to be certified, the appropriate action will be taken—the appropriate action meaning the loss of their jobs. This is the type of hassle which shouldn't be allowed to occur.

It occurs in most companies, in most locations, where a union organizing effort is about to occur and a simple outlawing of procedures of that sort, which produce fear in the workers—a direct fear of the loss of their jobs should the union not be successful—is a section I would have welcomed in this Act. I think for the promotion of harmonious industrial relations it would be better that a section of that sort come into the Act.

One other section of the Act which bothers me a bit is one which relates to the financial statements. I'm generally in favour of the Waisberg report recommendations, certainly where there have been unions which have not been making proper financial statements and there are some—probably no higher in percentage than companies which don't make adequate financial statements. They should be required to do so. However, the one thing that bothers me is those locals which don't have adequate financial statements or have financial statements which a particular complainant feels are not adequate. According to the Act before us today, the complaint is registered with the board. The board can inquire into the complaint and order the union to prepare another financial statement in a form the board considers appropriate. It must also contain other particulars the board considers appropriate.

Now that it's specifically stated anyone in a union local can complain that the financial statement is inadequate and the Labour Relations Board has to inquire into it, should the board not prepare suggested financial statements for use at the local levels, outlining or clearly giving as a guide to the unions, the form the board considers appropriate for financial statements? Perhaps there should also be an accompanying guide saying to what degree of detail they think each category should cover.

Let's face it, at election time with this section in the Act, one of the things everybody running for financial secretary is going

to do is to claim the incumbent financial secretary of their particular local has not provided enough detail. A complaint will then come before the board. If the union has used the particular forms which the board has provided and suggested as a guide, then the board can speedily come to a determination as to whether or not sufficient information has been provided.

If they are going to have to spend time inquiring into it, and in preparing financial statements to meet the requirements of the board, I would think unions would find it helpful to have this sort of standard reporting form and a guide from the board. Otherwise the board will, I think, be doing a lot more work than perhaps would be necessary. This will result inevitably in this sort of thing coming forward anyway. We'll go through two or three years of uncertainty as unions draw on the experience they get from complaints having gone in, and the board coming back and saying, "Look, why don't you do this in your financial reporting?" Surely, it would be simpler if the board prepared some standard forms for perusal by the locals across the Province of Ontario.

One other thing about this section which bothers me perhaps even more is that I assume that the definition of union here in section 19 is not the narrow definition provided in the definition section in the Act, which limits it to a provincial, national or international union. We're really talking about the individual locals of a provincial union or a national union. Now, some of those locals are very small. These are the ones that are least capable of preparing a financial statement. And yet, under section 19, the board may further order that the statement be audited by a certified person licensed under the Public Accountancy Act. I'm wondering if the ministry really knows the financial pressures they may be putting many local unions under, when you state their financial statement be certified by a person licensed under the Public Accountancy Act.

For a large union or a large local this is no problem. But an audited statement certified by a chartered accountant or someone who's licensed under the Public Accountancy Act is going to be an expense many small locals will not be able to assume. That's one point I find a little heavy financially for some locals, even though I certainly don't disagree with the principle of full and open financial reporting.

It would be no problem in Windsor for the Chrysler Local 444, 8,000 to 10,000



members strong, but what about the 40 or 50 persons in the Laundry, Dyehouse and Drycleaning Local which, perhaps, needs the financial reporting to be sharper than does UAW Local 444, but the certified statement of the person under the Public Accountancy Act is rather a large expenditure of money for a local composed of that few members. Perhaps they get around it by having the provincial office or national office or international office pick up that sort of expense but I wouldn't count on it. That would limit the other activities that local could undertake on behalf of its members under those circumstances.

Another area of the amendment Act which I find very disappointing in that no mention is made of it, is the outlawing of strike-breaking or strike-breaking companies providing services. In 1971, 1972 and part of 1973 there was a lot of activity by one or two strike-breaking companies in Ontario which were selling services of a certain kind, one to move goods in and out of the plant; in some cases to move persons in in their sort of armoured vehicles, fully protected so they couldn't really be sabotaged in any way. Whenever they came in they certainly disrupted labour relations at that site.

Due to certain transgressions of the law in other parts which these companies made, they have not been very active in the last year or year and a half, by and large, but there is nothing in this legislation which would prevent the recurrence of strike-breaking companies whose purpose is to operate in the industrial field where a plant has been struck, with the inevitable hard feelings that result. Incidents which happened at Dare Foods Ltd. in Kitchener come to mind where, finally, that type of activity provoked the workers to such an extent that damage was done to the property. It is not above suspicion that the damage was done to the property by workers incited by persons in the employ of that strike-breaking company.

I am disappointed to see, in this day and age, nothing in the Act against strike-breaking, or strike-breaking companies; or, if you are promoting harmonious relations between employers and employees, nothing in this Act which would severely limit the type of advice which can be given; the type of advertising which can be done by firms whose sole purpose, by and large, is to purport to companies that they know how to handle strikers should a strike arise and they know how to handle the negotiations in such a way that one can defeat the strike and eventually

cause decertification of the bargaining unit, with all the labour relations problems which result and which will drag on for years when an incident like that occurs.

I had hoped that in this Act there would be some pretty strict and tough measures against the operations of firms providing strike-breaking services or firms which provide advice to employers that they can break the union which exists at that particular workplace. Firms which operate in this area and so advertise, I understand, from time to time, certainly are not providing harmonious relations between employers and employees.

I am disappointed that something of this sort is not in this Act. It is much needed. Just because we have had a few months when this has not been a big problem in Ontario does not mean that next month it can't start again and with a vigour which could turn the ministry's efforts into a shambles, in terms of hoping to promote peace and harmonious relations in the industrial area.

The minister, in his remarks today, talked about the increase in the jurisdiction of the board where they can form, as I gather from the minister, a specialized tribunal to deal with good-faith bargaining. We on this side of the House have said to the minister that he should personally get involved in the good-faith bargaining process. He should move in and say to the people who are having the problems that have arisen because of bad-faith bargaining that it is not right to bargain in this manner. He should also let the public know which side is not bargaining in good faith.

I don't know what would be the best mechanism if the minister is not going to take this on himself. I am not sure whether there should be a committee of the ministry to take care of this particular area or whether he needs a committee such as the education relations committee or the college relations committee which, under the proposed legislation for community college teachers will have the power to do this.

The minister has chosen to put that power into the Labour Relations Board itself. This causes some slight worry because the board, which has been viewed as being above the fray in giving judicial decisions on matters, is now involved with coming in and charging, or being able to identify, one of the participants as not acting in good faith. It may well be the wrong place to have it.

I know the procedures about good-faith bargaining are rather cumbersome as it affects

the operation and determinations of that board. They look into it upon being asked to so do and prosecute when necessary and so on, but that is upon appeal and upon the case being brought before them. They hear it in a judicious manner and give them leave to appeal.

To involve the board—whose reputation is, by and large, rather a high one, feeling that the board is to be trusted in these matters—to have the board now have the power to make a determination of this sort is not wise. I would think whatever group had this power would not be shy of using that determination. To have the board, heretofore thought of as being above the fray, semi-judicial and wise in its decisions, involved may cause a loss of respect for the board in the sense of people charging the board itself with not being reliable.

I would sooner see that particular decision-making about good-faith bargaining residing somewhere else. Just exactly what the mechanism of it would be I can't say at the moment, but to have it residing in the board is causing some concern or may well cause some concern as time goes on, about the fairness of the board to rule on matters and whether the board is able to operate in a non-discriminatory manner on other matters that are not concerned with good-faith bargaining.

Mr. Speaker, there are other sections of this bill that I could talk about. There are other improvements which can be made and should have been made in the Labour Relations Act, which haven't taken place. Perhaps we could leave that to the committee stage. It is going to committee, I understand, outside the House.

However, there are certainly some positive positions and improvements in the Act itself. They included dependent contractors as employees. This follows a decision made by the board that dependent contractors were employees and so it ratifies that feeling. At the same time one would have hoped that perhaps at this stage of our industrial development in the area of labour relations, where increasingly the public sector is involved in negotiations in a way they weren't 10 or 15 years ago that some of these people could now be covered by the Labour Relations Act or, in their own Act, and be allowed the right to strike as employees who come under this particular Act are.

However, the inclusion of dependent contractors is a step forward. One would have hoped, however, that included in this Act at this time would be that very interesting

area of supervisory personnel as eligible to form a collective bargaining unit and be certified by the board.

As the minister knows, the interest in this area has increased of late. When the McIntyre Porcupine mine situation was looked at by the board, the decision as to whether the sub-foremen could form a bargaining unit was in the negative. I gather that an application from Sunbeam's foremen came before the board, and the company and the Sunbeam foremen settled without a decision being reached. Before the board now are the foremen at the large Chrysler plant in Windsor. I would have hoped that as in other jurisdictions—notably British Columbia, I believe, and Manitoba, I guess, as well—in Ontario supervisory personnel could be included as being eligible to form collective bargaining units under the Labour Relations Act.

This is an omission which is to be regretted—it is certainly topical at the moment. One can be supervisory without being management and there is a large difference. One should have attempted to define this. There are other provinces in Canada which have made the definition so it's clear that supervisory personnel can form a bargaining unit and act as a union.

If one wanted to be careful in the first stages, one could have them in the same position as security guards, in that they couldn't belong to the same union as the men and women they were supervising in the plant. That seems a fairly reasonable restriction to put on the union of supervisory people but it certainly should no longer not be allowed. The cases can be heard before the board but I would have hoped it would be much more positive and there would be a statement that they be allowed to form with some definition of that.

I think the restrictions on security guards not being able to be part of a local labour association and so on are needlessly strict. They should be able to form part of the general labour movement in the area without the strictures on them of not being part of the same union among which they operate, and must have their own separate union. Security officers aren't actual working brothers and sisters of those they have to impose security on. I think the same could be said for supervisory personnel. At the same time we should allow them to participate in local labour councils. I feel this is a very serious omission and supervisory personnel could well be included in this bill.



There are people all over Ontario watching the actions of the Labour Relations Board very closely at this time with respect to the Chrysler application and the findings that are going to be made there. There will be a lot of disappointment if the majority of those foremen are not found to be eligible for a union of their own. If that occurs, we are still no further ahead than we have ever been and this was the time to make that very clear in this Act.

Again, the Act is deficient in another area and that is in the automatic first contracts, as in British Columbia. I think this would have been a major step forward in the legislation and one we could have tried in Ontario; it has been tried now for a while in British Columbia. If a certain length of time goes by and agreement on a first contract cannot be reached and a strike is occurring in order to get that first contract, the first contract could be imposed by the province for one year, the terms of that first contract being known by both sides beforehand.

It would be a first contract that perhaps talked in percentages of standard wages which were prevailing at the time and a certain set number of automatic benefits built into it. The minister knows very well that the majority of strikes that take place occur in small companies trying to achieve their first contract with their employees—small groups of employees.

If one had the automatic first contract and had both sides dealing with each other for a year over that contract, one would stand a much better chance in arriving at a second contract than you have in many instances in their trying to arrive at that first contract. It sets up a situation where both sides need to talk to each other and the labour relations dialogue is starting to be established.

That was one thing which, had the minister included it in this Act, would have made it an Act which I think the people in Ontario could have been rather enthusiastic over. Its omission simply means that we're not willing to really be in the vanguard of the labour relations movement taking place in this province.

There are other areas, Mr. Speaker, where certainly the Act is a step forward. The disputes advisory committee is a useful concept and an interesting concept. It contains both employer and employee representatives; there is no specific provision that they be there in equal numbers. I suppose this will come out at the committee stage.

Certainly, in another section, if an employer contravenes the Act and makes it diffi-

cult for employees to register their true feelings, the union may apply and the board can certify them. This certainly is a step forward. The onus falls upon the employer to prove that a union person was not fired for union activity. That whole section which the minister alluded to is a step forward.

There are steps forward in this Act, Mr. Speaker, and because of those few steps forward, we will not oppose the bill. I simply regret that there were not a great many more positive provisions made in this Act and some new ground ploughed. New ground has already been ploughed by other provinces in this country, which was not seen as worthy to be included in this Act. But, in spite of that, there is enough in this Act, Mr. Speaker, to justify members of this House passing it—and, in fact, dealing rather quickly with it in committee.

I would have thought there may well have been so few controversial sections—except for the very great feeling on our part that 55 per cent for automatic certification should have been 50 per cent plus one only—but not enough in this Act that would have required amendment to any great extent; not enough, in any event, to have it sent outside to committee. But I gather the minister is sending it there, so we will save the rest of our remarks for that time.

**Mr. Speaker:** The member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Thank you, Mr. Speaker. By the looks of the time, I will be brief. I wanted to say a few words with regards to Bill 111. A great many of us are concerned about our bargaining system. I often think of the member for Sarnia (Mr. Bullbrook) who on a number of occasions—I think the first or second year he was here—has spoken to the Legislature with regard to the matter of bargaining and our system of bargaining in Ontario and that we should be looking at either having a royal commission or a special committee of the Legislature to study our entire labour relations in Ontario. I think it would still be a good thing to do at this stage of the game.

Now, I believe there are 19 major amendments, but I was looking at section 7 of the present bill, which is 34a of the Act, with regard to the appointment of a conciliator and a person to report in 30 days. And then 34b, where the Act refers to the disputes advisory committee. This is going to be of some benefit, I would hope, in the future in bargaining and when bargaining seems to be at a standstill.



We have some problems in our own area. In fact, there's a strike in the town of Tilbury in my riding that's been on for about 40 weeks. I think the mayor of Tilbury just recently contacted the American owners and they said they weren't going to talk. Well, now they've opened up the plant and some people are going in. There is bad feeling throughout the community. The wage scale was very low at the time, about \$2.50 an hour, or \$2.55 to \$2.65 for machine operators, and they're now paying some of the workers who are in there about \$2.95 an hour.

It's just a bad situation. It seems to me it could be classified as bad-faith bargaining on the part of the company. I'm sure from what I can gather that the union has been willing to meet with them. I didn't think their request was all that unreasonable. I think the union was asking for a 50 cent an hour increase over a period of three years, and the company offered 25 cents an hour over a period of three years. That isn't very much of an offer by the company when you consider the escalating cost of living.

The method of bargaining now is a great concern to many people. We need some teeth in the legislation to try and get the people together. There's another strike in Omstead Foods and at the Terminal Warehouses, where frozen foods are stored, and the farmers are very upset. I saw a comment in the paper the other day by the president of the Federation of Agriculture condemning the president of the Ontario Federation of Labour and saying that if one snap bean is spoiled Mr. Archer should resign, because he had asked for the resignation of Mr. Whelan.

I don't think that's the way we're going to solve our labour problems, by one condemning the other one all the time. We do need a better system, especially when you see hundreds of acres of good crops out in the field ready to be taken in, and then if you have no place to store them or freeze them for use for the next season, why it's very alarming to the public. It's a very, very serious situation to a farmer who has hundreds of dollars invested per acre in a crop.

If he can't get the crop off because of a strike, it sure isn't good.

These are things that are of concern to many of us. I know the member for Welland South mentioned a labour court, and the member for Hamilton East remarked on the Liberals having mentioned this and said it would be more lawyers who would be running it. In my interpretation of a labour court it wouldn't be filled with lawyers or judges, or it wouldn't be like a court as we classify it in a regular court system. It would be more of a board or a commission that would have people from all walks of life on it to look after the requests that come to it for assistance. I just wanted to make that point quite clear, Mr. Speaker.

I could go on, but since it is 6 o'clock I'm sure the minister would like to reply. I think that will be enough of my words now.

**Mr. Speaker:** Do any other hon. members wish to speak to this bill before the minister replies? The minister will want to take more than one minute, I presume?

**Hon. Mr. MacBeth:** No, Mr. Speaker, I won't. I'm quite content to save the comments that I would ordinarily make for the committee stage. In view of the hour, I would propose to do just that, sir.

Motion agreed to; second reading of the bill.

**Mr. Speaker.** I understand this bill is to be referred to the standing committee. It is so ordered.

**Mr. Haggerty:** Mr. Speaker, could the minister indicate when that bill would be going to standing committee? We have two other committees presently sitting downstairs, and I was wondering if he could perhaps indicate to the House just when that will go forward?

**Hon. Mr. MacBeth:** Mr. Speaker, I am certain the House leader will be taking it under advisement right away, but we'll have to wait to see what progress the other committee makes, sir.

It being 6 o'clock, p.m., the House took recess.

## APPENDIX

(See page 3501)

Answers to questions were tabled as follows:

24. Mr. Duksza—Inquiry of the ministry:

In view of the \$3,502,345 received by the province from the Olympic lottery as of Jan. 16, 1975, supposedly to be used for the development of amateur sport in the province, could the minister please inform the House: 1. What criteria determine the disposition of these funds? 2. What amounts have already been spent to date? 3. What amounts have been budgeted for, though the cheques may not have left the Treasurer's office? 4. What steps have been taken for a full public accounting on a regular basis of these special funds?

Answer by the Minister of Culture and Recreation:

1. Criteria: The criteria enunciated by order in council OC-2928/73 dated Nov. 28, 1973, and appended agreement dated Nov. 26, 1973, is that the funds accruing to the province shall be used for the development of amateur sport in the province. The criteria for support with the funds have been enunciated as follows:

Grants to sports governing bodies; grants to Game Plan '76; grants to Ontario Ski Council for northern development; coaching development programme; Ontario Games/Canada Games; grants on facilities of International standards; grants to support invitational tours.

2. Moneys expended to March 31, 1975: Following is a breakdown of moneys granted to sports governing bodies up to March 31, 1975:

Grants to sports governing bodies .....	\$ 791,234.31
Also grants to Game Plan '76 .....	23,611.33
Grants to Ontario Ski Council for northern development .....	20,216.00
Coaching development programme .....	81,530.94
Ontario Games/Canada Games .....	98,026.90
Grants to facilities of international standards .....	390,000.00
Brantford Pool .....	\$275,000
Neebing Indoor Track .....	15,000
University of Western Ontario Track .....	100,000
Grants to support invitational tours .....	42,733.50
	<u>\$ 1,477,352.98</u>

3. Commitments to date: Commitments from the Olympic lottery funds have been made as follows: \$300,000 to the University of Toronto for the construction of an Olympic pool; \$120,000 to the city of Oshawa for the construction of a sportsplex including an indoor track of more than 200 metres; \$225,000 to the borough of Etobicoke for the construction of an Olympic pool.

The ministry is presently considering the method by which the Olympic lottery funds will be used for programmes in this year, but, generally they will be used to support similar programmes to those above.

4. Audit provision: The government has the power of audit over the books of the Olympic Lottery Corp. and a statement of tickets sold in Ontario is available one month after each draw has been completed.

25. Mr. Deans—Inquiry of the ministry:

Of the 25,000 acres originally mentioned for the Pickering Airport on March 2, 1972:

1. How many acres were obtained prior to the end of 1974?
2. What was the total amount of money paid to those land owners for their property?
3. What was the total amount paid to outside valuers to fix the price?
4. What was the total administrative office expense of the Treasury and Economics North Pickering Community Development Project?
5. Is \$35,000 per acre a reasonable price today to service land?

Answer by the Minister of Housing:

The following data relates to the 25,000 acre North Pickering site acquired for community development not to lands for Pickering Airport as stated in the question:

1. 19,932 acres were acquired prior to the end of 1974.
2. The total amount paid to those landowners, i.e., value of the land plus entitlements, was \$156,046,051.89. However, final compensation had not been agreed on 6,940 acres. These owners had however been paid 100 per cent offers.
3. The amount paid to appraisers to the end of 1974 was \$838,959. This sum covers all appraisals done during the period which includes appraisals of properties not settled as well as those settled.
4. The total administrative office expense for the North Pickering Community Development Project during the period it was in the Ministry of Treasury, Economics and Intergovernmental Affairs was \$3,588,875. This includes both costs associated with land acquisition (offices, staff, appraisers, legal, etc.) and costs associated with planning (office, staff, consultants, etc.).
5. Costs of servicing an acre of land (water, sewers, and local streets) vary considerably depending upon the use to which the land is to be put.

The only use for which \$35,000 is a "reasonable price" per acre is low density residential.

Estimated costs for other uses are:

Medium and high density residential .....	\$16,000 per acre
Commercial .....	20,000 per acre
Industrial .....	20,000 per acre
Institutional .....	16,000 per acre

27. Mr. Nixon (Brant)—Inquiry of the ministry:

What is the total cost of the committee on education costs established in April 1971?

When will the committee give its final report?

Answer by the Minister of Education:

The total cost of the Committee on the Costs of Education in the Elementary and Secondary Schools of Ontario is \$656,083 which includes the estimated costs to be incurred in the current fiscal year. The final report is expected to be completed by Sept. 1, 1975.

31. Mr. Cassidy—Inquiry of the ministry:

Has Mr. Gerard Ducharme, chairman of the Eastern Ontario Development Corp., had any discussions with or made any approaches to the Ministry of Housing or the Ontario Housing Corp. to sell to the province some 45 bachelor and one-bedroom apartments at 1030 and 1040 King St. in Ottawa that were formerly owned by the Canadian Legion and occupied by senior citizens?

Would such a sale be exempt from the land speculation tax and is the ministry aware that the asking price is more than twice the \$440,000 that Mr. Ducharme paid for the buildings this spring?

Answer by the Minister of Housing:

With reference to question 31 on the order paper, I would advise that no discussions have occurred, nor have any approaches been made to the Ministry of Housing or to the Ontario Housing Corp. by Mr. Gerard Ducharme to sell to the province some 45 bachelor and one-bedroom apartments at 1030 and 1040 King St. in Ottawa. In addition, I have been informed that the buildings in question are still owned by the Royal Canadian Legion and Old Veterans Inc.

The Ontario Housing Corp. already has an extensive construction programme for senior citizen accommodation in Ottawa, and it does not intend to purchase any existing senior citizen units in this municipality.

As section 4(j) of the Land Speculation Tax Act provides an exemption from the tax when designated land is disposed of to a Crown agency within the meaning of the Crown Agency Act, a sale of the nature contemplated in the above question would appear to be exempt from the tax imposed by section 2 subsection 1 of the Land Speculation Tax Act.



## CONTENTS

---

Wednesday, July 2, 1975

Beef calf income stabilization programme, questions of Mr. Winkler, Mr. Grossman and Mr. Eaton: Mr. R. F. Nixon, Mr. Lewis .....	3489
Energy prices, questions of Mr. McKeough: Mr. R. F. Nixon, Mr. Lewis .....	3493
Home ownership made easy programme, question of Mr. Irvine: Mr. R. F. Nixon .....	3493
Store hours, questions of Mr. Clement: Mr. R. F. Nixon, Mr. Roy, Mr. Good .....	3494
Mopeds, questions of Mr. Grossman: Mr. Lewis, Mr. Roy .....	3494
Bell Canada rate increases, question of Mr. Clement: Mr. Lewis .....	3496
Housing programmes, questions of Mr. Irvine: Mr. Lewis, Mr. Sargent .....	3497
Medical examinations for asbestos workers, question of Mr. Miller: Mr. Lewis .....	3497
Jury trials, question of Mr. Clement: Mr. Singer .....	3498
Removal of asbestos fibres from tap water, questions of Mr. W. Newman: Mr. Burr, Mr. Bounsall .....	3498
James Bay Education Centre, questions of Mr. Wells: Mr. Deacon, Mr. Foulds .....	3499
Psychiatric hospital budgets, question of Mr. Miller: Mr. Duksza, Mr. Sargent .....	3499
Ontario Lottery, questions of Mr. Welch: Mr. Roy, Mr. Deacon .....	3500
Assessment Act change, question of Mr. Meen: Mr. Shulman .....	3500
Adoption of Vietnamese children, questions of Mr. Brunelle: Mrs. Campbell, Mr. Lewis .....	3501
Report, Ontario Place Corp., Mr. Bennett .....	3501
Answers to questions on the order paper, Mr. Winkler .....	3501
Workmen's Compensation Amendment Act, reported .....	3501
Third reading .....	3511
Labour Relations Amendment Act, Mr. MacBeth, second reading .....	3511
Recess .....	3524











# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Wednesday, July 2, 1975  
Evening Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JULY 2, 1975

The House resumed at 8 o'clock, p.m.

## ENVIRONMENTAL ASSESSMENT ACT

Hon. W. Newman moves second reading of Bill 14, the Environmental Assessment Act, 1975.

**Mr. Speaker:** Does the minister have an opening statement?

**Hon. W. Newman** (Minister of the Environment): Mr. Speaker, today I'm presenting to this House for second reading the Environmental Assessment Act. This bill and its amendments reflect this government's continuing commitment to environmental protection, which was recently reaffirmed in the Speech from the Throne.

The process of environmental assessment is a means of ensuring that all undertakings can be commenced and completed without undesirable effect on the environment. This bill will accommodate this vital objective by placing the responsibility on the proponent of an undertaking to draw up and submit an environmental assessment to my ministry at the very earliest stages.

Since first reading, this bill has been subjected to intensive examination by environmentally concerned citizens, organizations and industry. We have received submissions and recommendations from many sources and have taken these into consideration in drafting amendments to our original bill.

We have never been doctrinaire in our thinking and we are always prepared to listen to, and adopt in our planning, ideas which we consider to have merit. Accordingly, we are presenting today for second reading an amended bill which we are confident will provide the people of this province with effective legislation without precedent in Canada.

I'd like to outline the procedure which will be established by this amended bill. The proponent of an undertaking which is subject to the Act will prepare an environmental assessment and submit this to my ministry. The public will be notified of a place where documents may be inspected.

Any proponent or individual who makes a written submission can require a public hearing on the undertaking. The minister can at his discretion order such a hearing or deny the request. A hearing would not be called if the minister considered the request to be frivolous, vexatious or, if in his judgement, a hearing would be unnecessary or could cause undue delay in the process of the undertaking.

Should a hearing be held, it will be held under the provisions of the Statutory Powers Procedure Act, with exceptions relating to procedure at a hearing to be established at the discretion of the assessment board. Full notification of hearings will be provided to all interested parties.

I mentioned earlier that many suggestions and recommendations regarding this bill have been received since first reading. One recommendation considered called for the granting to the Environmental Assessment Board the authority to make the final decision. This government cannot accept this suggestion. Our amended bill, however, authorizes the board to make decisions, but the minister and cabinet have the jurisdiction to vary, reject or substitute their decision for that of the board or to require the board to reconsider its decision and to hold new hearings. The minister and cabinet may exercise this authority within 28 days of the receipt of a decision of the board. If no action is taken, the decision of the board is final. Questions of legal jurisdiction will, of course, be dealt with by the courts. The proponent cannot proceed with the undertaking until the decision becomes final.

I will briefly review the procedure which will be established under the Environmental Assessment Act and its amendments. We intend to apply common sense, flexibility and caution in the implementation of this bill when proclaimed. To apply this bill at its inception to all undertakings would result in administrative chaos which could defeat the purpose of the bill. We will proceed with caution and restraint.

Initially all undertakings of the Ontario government, its agencies and municipalities will come under the Act. However, to give our

municipalities a further opportunity to examine the total ramifications of this bill, and to present any questions which they may wish to discuss with my ministry, we will be exempting the municipalities from this bill at the outset; but they will be brought under its provisions at a later time.

Undertakings by the private sector similarly will be brought under the bill at a time dependent upon our administrative capability and experience. The Act is designed to regulate and not to block or to hinder an environmentally acceptable activity in Ontario, and that intent is clearly spelled out.

Mr. Speaker, I will ask this House to refer this bill to the standing committee of the Legislature for a review of the bill and the proposed amendments. This will also permit concerned members of the public to make submissions and representations to the committee.

We believe that further public input and participation in this most important environmental undertaking will serve the public need and provide the environmental protection desired by this House and by the people of Ontario.

**Mr. Speaker:** The member for Huron.

**Mr. J. Riddell (Huron):** Mr. Speaker, it is interesting to note that this bill has had a gestation period of over two years, and having studied the original bill very carefully, I am inclined to think that the minister intended the end result to be a stillborn fetus.

It is rather unfortunate that at the last minute we have been presented with an amended bill. We, on this side, have certainly not had occasion to peruse the amendments and so, therefore, we are unable to say at this time whether we can support the amended bill. However, Mr. Speaker, we in the Liberal Party certainly do not support the original bill in its present form.

While we believe that this province is in dire need of truly effective environmental assessment legislation, the principles upon which the government has based this legislation show that they are evidently not so concerned with the possible detrimental environmental effects of future developments in this province.

After a close scrutiny of this bill, we can only conclude that it is an Environmental Assessment Act in name only and lacks any semblance to truly effective environmental impact legislation. The bill which we have before us is a blatant hypocrisy. It contains no responsibility on the part of the minister

to protect the environment from the negative effects of future developments.

The Minister of the Environment unilaterally will have the power to decide if an environmental assessment is necessary, if there is to be a public hearing and, ultimately, if the project will go ahead. These principles are in direct contradiction to any sound environmental assessment principles.

Surely, after the lack of action which this minister has already shown in dealing with nonreturnable bottles and noise pollution, just to mention two instances, it would be too much to expect this minister to have sole say in matters which will affect the entire public. Considering the amount of time which this government has taken to introduce this bill—and as I mentioned, it is over two years—surely we might have been presented with a more credible piece of legislation.

This bill is so vague in all crucial areas that it could mean almost everything or nothing. In its present form, I would submit that it means nothing. The bill is only to apply to such major commercial or business projects, government and municipal projects, as may be designated by the government by regulation.

It then authorizes the minister to define any development as a major one. This bill, therefore, will include only those projects that the minister defines for inclusion. If the minister designates nothing, the Act will apply to nothing. This government has repeatedly promised legislation on environmental assessment ever since the March, 1973, Throne Speech.

Again, in the 1974 Throne Speech, the government said that we would be asked to approve legislation during that session which would require an environmental assessment of major new development projects. Yet, it was not until March 24, 1975, that this bill appeared for first reading. It is completely beyond belief how this government can stall on important legislation year after year, and then produce an assessment bill that means nothing. The present inadequate situation which we now have regarding hearings on environmental issues will not be changed. The only changes will be in name.

Rather than an Environmental Hearing Board, we are to have an Environmental Assessment Board; but once again the public will have no say in protecting the Ontario environment. The public, however, will have a say in the next election when this government's environmental record comes

up for review—and truly it is a dismal record.

When the green paper on environmental impact legislation was first introduced in September, 1973, it was billed as a basis for public discussion. Submissions were invited from interested parties. There followed a good deal of public response with 179 submissions. However, despite our repeated requests that these submissions be made public, and part of public discussion, they have never been discussed publicly and were only open for inspection at the Ministry of the Environment library a few days before the legislation was introduced.

Moreover, I have yet to receive a reply to the question which I had placed on the order paper April 8, inquiring of the minister as to which specific suggestions from the submissions to the green paper are contained in the Environmental Assessment Act and in what section each is reflected. I still await a reply.

The absence of any public discussion on the submissions, and the contained recommendations therein, is probably the true indication of how the government intends to carry out and practise the principle of public participation. In fact, nowhere is there the right of the public to obtain an appeal of any project that may be approved by the minister where the minister sides with the developer.

While the Premier (Mr. Davis) travels around this province and makes statements about his government's commitment to protecting the Ontarian environment, it is truly unbelievable that they can bring forth this legislation.

**Mr. R. G. Eaton (Middlesex South):** Who wrote that for you?

**Mr. Riddell:** You don't need to worry about who writes my speeches.

The people will not be fooled by this hypocrisy. This bill, Mr. Speaker, would require the assessment be done by the developer himself and submitted to the Minister of the Environment for approval before the project has begun.

**Mr. L. C. Henderson (Lambton):** That's pretty helpful, Jack. Three per cent.

**Mr. H. Worton (Wellington South):** He is the potential agricultural minister.

**Mr. Riddell:** The minister would then review the assessment and notify the municipality where the project is to be constructed.

There is, however, no requirement on the part of the minister, or the municipalities, to make any public announcement, or to inform concerned environmental groups.

Any person who may hear about the project may make a submission to the government within 15 days of the giving of the notice to the municipalities. The minister then considers the matter and either allows the project to proceed, turns it down, or accepts it subject to terms and conditions.

The bill is to provide for a five-member Environmental Assessment Board of non-government people to hold hearings on direction from the minister and advise the minister as to whether any environmental assessment referred to it should be approved, disapproved, or approved with conditions.

While civil servants have been barred from the board under this proposed bill, it does not clarify whether an individual may merely quit the civil service in order to be appointed to the board. Moreover, the minister is not bound by the advice of the board.

**An hon. member:** Sure he is.

**Mr. Riddell:** Under this bill, a hearing will be held only when the minister informs the developer he intends to amend the developer's environmental assessment. The developer may then, if he wishes, require that a hearing of the board be held. However, the opponents of a project may not require that a hearing be held, nor is there any requirement in the proposed legislation that opponents of a project must be heard when the board is directed by the minister to hold a hearing.

According to the Minister of the Environment, we are told only Ontario government developments will be designated under the Act in the first two years after the legislation is passed. However, we are not told whether it is ever to be extended to the private sector. It is to depend on experience with the public sector. Surely we should have a time limit as to when the private sector will be included in any assessment legislation. This bill will protect private projects which may have an undesirable environmental impact.

Mr. Speaker, in order to make clear many of the deficiencies in this bill, it would be most useful to analyse briefly the problems inherent in the present Environmental Hearing Board and assess whether this proposed bill will do anything to solve these problems. We have learned much from this present board of what an Environmental Assessment Board must contain. This board has been



the captive of the legislation which has established it, and can, by no means, take responsibility for its lack of power and limitations.

While this present government has finally decided to introduce this long-awaited piece of legislation, it would only seem logical that the unfortunate experiences and legislative deficiencies of the present board not be repeated. However, a careful reading of this proposed bill clearly indicates that this will not be the case.

In the future an Environment Assessment Board will have to assume great importance both for those people whose environmental rights will be determined, and for the province as a whole. It is of great concern to myself and to my party that this board have the powers to deal effectively with the environmental questions that will come before it. Under this proposed bill, however, these powers will be non-existent.

Presently, the Environmental Hearing Board has been without power to make decisions. Rather, they have merely made recommendations to the minister. Moreover, they have been relegated to the role of assessing that material which is submitted to them. Generally the only people who can afford to submit research scientific background documents are the industries. Because of this lack of power, the board has ended up interpreting the interests of the industries that it is supposed to regulate.

In this bill the assessment board, again, will merely have the power to make recommendations to the minister which he can accept or reject. The public, again, will be unable to require an environmental assessment of a proposed project, nor are they to be informed by the board of any proposed developments. Only the proponent of a project is to be given notice of a public hearing, if one is to be held. The private individual has usually been left out of the process because of the cost involved. While industries can write off studies against their income, the public must absorb their own costs. It has been a very uneven struggle indeed.

If the environment is even to mean more than an individual merely stating of a project, "I don't like it", the sources must be made available to opponents of a project. However, no provisions for financial assistance have been made in this legislation to ensure that there are adequate resources available for such purposes.

Financial aid would enable citizens or environmental groups appearing at impact assessment hearings to place themselves on a more

equal footing with project proponents who may spend hundreds of thousands of dollars to support their case. Why should the public, at their own expense individually, have to come forward to try to battle a team as may be assembled at the board? The present Environmental Hearing Board has not been subject to the safeguards of the Statutory Powers Procedure Act or the Judicial Review Procedure Act, the legislation designated for the protection of individuals in civil liberties in Ontario.

The board must have the power to swear witnesses, as well as subpoena them to come forward. If there is important evidence, the board must have the right to obtain it. It is believed that the board is not, in fact, determining rights of persons and, therefore, does not need the power to summon witnesses, issue subpoenas, compel responses to questions, cite for contempt, and so on. However, environmental problems in the 20th century to some extent injure all members of the public at large. The board, therefore, in all practical sense is, in fact, determining rights of people.

In terms of the importance of the issues that an environmental assessment board will have to deal with in the future, it will be essential that it have the same kinds of powers as a royal commission, which has the power to determine rights. The board must be equipped with the kinds of powers that make it something more than a powerless body merely making recommendations to the minister as is presently the situation. Moreover, this bill contains no provisions for opponents of a project to appeal a decision in cases where the minister sides with the developer.

Surely an appeal procedure is one of the more basic of all rights of natural justice that must be afforded to all citizens of this province in matters affecting their lives. Under this bill the public would not have status to be at board hearings, would not have rights of appeal and would have no right to even a proper hearing. It is imperative that these basic rights be contained in any environmental legislation.

This bill, Mr. Speaker, contains no requirement for the Minister of the Environment or clerk of the municipality to make any public announcement of proposed projects and public hearings. Persons may inspect environmental assessment documents if they manage to hear about them. Under present legislation the government is under no obligation to make public any information about a proposed project or even to disclose the fact that something is under consideration at all.

Meaningful legislation must require that notice be given to all those likely to be affected by a project, and early enough for them to have effective input into the planning process. Moreover, a person's rights to sound environmental planning should not be dependent on whether he has a direct and immediate interest. Everyone concerned should have the right to be notified and to appear before the board, and any person must have power to require a hearing.

Also, it is simply inadequate for this proposed board to give 15 days notice of a hearing. Any environmental assessment reports must be made available to all concerned, and must be given out at nominal costs. As the situation now exists, reports submitted to the Environmental Hearing Board cannot be taken out. These reports may only be located at a few places throughout the province. These reports may cost individuals more than \$100 a copy to duplicate.

Any Environmental Assessment Board should be required to file enough copies with the board, so it can hand them out as long as people request them. Other boards in Ontario and in Canada have developed a practice for the circulation of the publication of notices of hearings to all interested parties well in advance of the hearings. It is our submission that this can also be done, and should be done, in this legislation.

When the government knows that people are violently opposed to a project, to leave it up to them to come forward with 15 days notice of something published in the paper, does not seem to attach any serious consequences to their recommendations.

In summary, Mr. Speaker, we can conclude only that this bill merely has the title of an environmental assessment bill and is void of any basic requirements for truly effective environmental impact legislation.

This bill would provide a built-in, unfair advantage for sponsors of projects which may have undesirable environmental effects on this province. In fact, this bill will do nothing to provide necessary changes in our present inadequate situation regarding environmental hearings under the Environmental Hearing Board.

The proposed board will be equipped with the same powers, but have a new name.

Under this bill, the minister will still have full authority to make all decisions affecting the lives of all the province without public input. Citizens affected by a project will not have the power to require a public hearing

by an independent assessment board. Citizens affected by a project, or other concerned environmental groups, will not be required to be notified that a project is being considered—nor will they be notified of public hearings.

The bill will apply only to government projects, not private undertakings. No financial assistance will be provided to opponents of a proposed project, who may be concerned that its environmental damage will outweigh its benefit. There is to be no public input into the regulations which will govern this bill. The assessment board is to be a powerless body merely making recommendations to the minister, and will not make decisions.

The Environmental Assessment Board has so few safeguards that it may, in effect, merely become an arm of the government—a truly hypocritical piece of legislation. We in the Liberal Party cannot support it in its present form. After we have had a chance to look at the amended bill—and if substantial changes are made to the bill—I would say we, in this party, would be prepared to support it. But the substantial changes would have to be as follows:

Both proponents and objectors would be able to ask the minister for a public hearing—and it would be the minister's obligation to accommodate this request unless the minister could substantiate the frivolous or vexatious nature of such a request. Such hearings should also be opened to the public. All projects would require assessments, except for those specifically exempted by regulation, rather than assessments required only for those projects specifically included by regulation.

If the private sector, municipalities and some government departments—notably roads and housing—were to be exempted right away, then there must be a firm timetable for the eventual inclusion of these areas. Exemptions must be by way of notice of motion on the order paper so that the Legislature can get a look at them. Notice must be given to the public when the minister receives an assessment, and any person could make submissions to the minister within 30 days. Notice of decisions must be given to all persons making submissions.

The Environmental Assessment Board would make decisions with final approval by the minister. The Public Inquiries Act, the Statutory Powers Procedure Act and the Judicial Review Procedure Act would apply and the effect of the application of these Acts would be that hearings would be run



like a court, with standard enforceable procedures that must be adhered to.

These are some of the amendments that we would be looking for in the amended bill. Again I say, if such amendments are in that bill, then we will be in a position to support it. In its present form, as the original bill which was introduced, we certainly cannot support it. It is really a meaningless bill. Thank you.

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, the Environmental Assessment Act has long been heralded and it now appears before us as Bill 14. The Throne Speech of March 20, 1973, promised, and I quote: "Legislation to establish a permanent agency for environmental protection, having the responsibility for a comprehensive system of assessment and evaluation of the environmental significance of activities of government ministries," and so on. A year later, the Throne Speech on March 5, 1974, announced, and again I quote: "You will be asked to approve legislation which will require an environmental assessment of major new development projects". There was no qualifying, Mr. Speaker, of that "major new development projects". It didn't say merely the public ones or the government ones. It was unqualified.

About six months later, a green paper was issued inviting public comments on the ministry's plans for environmental impact assessment legislation. In June, 1974, the minister was telling those who inquired that it was the intention "to introduce the legislation at the earliest opportunity." In October, 1974, the minister's office was agreeing that "public participation will be a most important component of the environmental assessment process". There was also the acknowledgement of questioners' "concern that there be full public access to assessment information, and provision for financial support to groups acting in the public interest". Now, it is true that the ministry expressed neither agreement nor disagreement with this concern, merely pointing out that it would not be appropriate to reveal details of the proposed legislation.

With all these public announcements and private assurances, it was natural that the public and members of the Legislature expected a first-class bill when it was eventually introduced shortly before Easter of 1975—on March 24, I believe. Imagine our dis-

appointment when we found that there was not only no provision for providing financial support to any group acting in the public interest, but also that the public would have very little opportunity to participate at all.

In June, 1974, the Minister of Transportation and Communications (Mr. Rhodes) explained to questioners, "This assessment system will, of course, include an opportunity for public participation, allowing concerned citizens the opportunity to review any new proposal and voice their opinions and concerns". It would appear that no public hearings will take place if the minister accepts the assessment statement as adequate for his decision-making, and if he then approves the project.

The minister might give approval to a nuclear plant at Goderich and the only opportunity for the public to object would be after the municipal clerk had received notice when and where the public could see the proponents' environmental assessment statement and the minister's officials' review of that statement. The members of the public might then make submissions. These submissions, one must assume, would be in writing. Is there provision for any alternative?

I am aware the minister has made an announcement this evening about some changes. It may be he has relented in this respect. May I suggest to the minister that he is making the same mistake the federal Minister of the Environment made some two years ago. The environment minister at that time, Jack Davis, chose an administrative procedure wholly inside his ministry, with no independent board and with no public input. Federal officials at that time indicated that having public participation would be a political headache.

The federal proposal was for an Environmental Review Board independent of the civil service with power only to make recommendations, not decisions. The same proposal is now made by our minister, Mr. Speaker. As I mentioned, this is the same mistake made by the federal minister. Whether this mistake contributed to Mr. Davis' defeat during the election, I don't know, but the possibility raises an interesting speculation on our minister's electoral future.

**Mr. R. F. Nixon (Leader of the Opposition):** That is the other Davis. The minister had better get out of this department while the getting is good.

**Mr. E. M. Havrot (Timiskaming):** The member for Brant liked that one, eh?



**Mr. V. M. Singer (Downsview):** Agriculture is more inviting.

**Mr. W. Ferrier (Cochrane South):** He would do better in agriculture.

**Mr. R. F. Nixon:** Actually the back-bench looks pretty good.

**Mr. Burr:** Before I become too critical of Bill 14, Mr. Speaker, let me say the principle of environmental assessment before a project begins, rather than 20 years after it is found to be polluting the environment, is obviously commendable. How much better if the Pickering airport project had faced such a requirement. How much better for the James Bay natives if the federal government had had such legislation requiring a study before the project commenced. That just about exhausts my store of compliments for the bill.

A good example of the pressing need for this Environmental Assessment Act is the situation at Timagami where open-pit mining carried on by Sherman Mine, a Canadian company managed by an American management firm, is threatening the 1,339 inhabitants of the old village of Timagami. Lumbering, which has existed in this district for many decades, has lived with various restrictions, including those that preserve the aesthetic qualities of the area. For example, no harvesting is allowed in the areas that would spoil the view from the lake. Why then should the mining industry be allowed to assault the villagers with dust and noise?

Sometimes the blasting cracks the light bulbs in the homes of the villagers. The villagers maintain that roads leading to and from the centre of operations should be dust-proofed and that there should be some protection against the noise that pervades the community. Worst of all, there seems to be a conspiracy of inaction on the part of the government to squeeze the villagers out. Even this might be tolerable if there were some plan to exchange a home for a home. But there is no such plan. Why should the villagers be subjected to this assault on their environment? Why should they be forced to give up their present homes which they can afford for different homes that they cannot afford?

The people of the old village are placing great hopes in Bill 14—false hopes, I fear, because this ruinous operation, the open-pit mining, is a private project not likely to be brought under the Act for some time, unless the minister can be persuaded to make some changes in this Act.

The fanfare for Bill 14 was, as so frequently happens with Tory bills, "one of the most important pieces of legislation ever introduced into this province." It is true that the bill provides for the creation of an Environmental Assessment Board composed of people who are outside the civil service. This board replaces the Environmental Hearing Board, which included civil servants, but how else will it differ from this board?

Both the old board and the new board will have no power except to advise the minister. This is the first question to which I should like the minister to give me an answer when he replies. Apparently when an Ontario government ministry, or eventually a municipality or a private enterprise, wishes to proceed with any project of a kind to be designated in some future regulation, this is what will happen:

Step 1: The proponent will do an environmental impact assessment which will be submitted to the minister.

Step 2: The minister will cause a review of the assessment to be prepared.

Step 3: The minister will notify the proponent and the appropriate municipal clerk or clerks and anyone else the minister chooses (a) that the assessment has been received, (b) that a review of the assessment has been prepared, and (c) of the place where these two documents may be inspected.

Step 4: Any person may inspect the environmental assessment and the minister's review of it, and will have at least 15 days in which to make submissions.

Step 5: The minister makes his decision to accept the environmental assessment or to amend it based on (a) the assessment itself, (b) the review of it made by his staff, (c) submissions by the proponent or any member of the public, (d) any reports he may have requested, and (e) the recommendations of the Environmental Assessment Board if the minister has requested that a hearing be held by the board.

Step 6: If the minister decides the assessment is satisfactory to enable him to reach a decision as to whether the project should or should not go forward or whether it should proceed only under certain conditions, then the minister "shall accept the assessment and give notice thereof to the proponent." Notice of what? Notice that the project is rejected although the environmental assessment is "accepted"? Notice that the project has approval to proceed? Or notice that the project has qualified for approval? This is not clear.

One would assume that section 9, when

real in conjunction with section 10, would indicate the proponent is to be notified if his project has been approved. Yet taken literally, section 9 requires that the proponent be notified merely that his environmental assessment is good enough to permit the minister to make a decision on the project and that this decision may go in any of three directions—for, against or maybe.

In fact section 13(2) notes that the proponent can appeal at this point. Obviously he would not appeal a favourable decision; this, then, is the second question on which I should like clarification from the minister: What is the content of this notice mentioned in section 9?

Section 10 tells us what happens if the assessment is not good enough to enable a decision on the project to be made. The minister then must notify the proponent that he, the minister, proposes to make certain amendments to the assessment. The proponent may ask for a hearing before the board. Nevertheless, before the minister declares the assessment satisfactory or unsatisfactory, he may demand further research, investigations and studies from the proponent and have them reviewed and made part of the assessment and of the review. Presumably the clerk of the municipality and others should be notified again and given another chance to inspect the amended environmental assessment and the revised review of it.

I presume the second opportunity would be given to the public, but section 11 doesn't say so. This is my third question for the minister: Is there a second public notice? If not, why not; and if so, where does the Act tell us so?

Before the minister accepts an environmental assessment as being satisfactory to enable him to make up his mind about a project, he may require the board to hold a hearing. As far as I can see then, the minister may ask the board to hold a hearing—section 8—before he makes up his mind about the assessment and a proponent may demand a hearing of the board, if he does not like the rejection of his assessment by the minister or the amendments proposed by the minister.

I must confess, Mr. Speaker, that I do not see the need for the two-step decision the minister is required to make, whether to accept the environmental assessment as satisfactory and then whether to approve the project. Why could this not be telescoped into the one important decision; that is whether or not to approve the project, the decision being based on the validity of the proponent's en-

vironmental assessment as checked out by the minister's staff? Why do we have these three elaborate steps; summarized in block letters in the heading of Part II of the bill just before section 5 begins; namely acceptance, amendment, approval?

What everyone is interested in, of course, is the rejection or the approval or the qualified approval of the project. The environmental assessment statement is just one means toward reaching this decision. This bill seems to be trying to give the assessment statement top billing or at least equal billing with the merits of the project itself.

Section 14 could be considered the heart of the bill. Sections 8, 9, 10, 11 and 12 add little but confusion to the bill itself. I suspect these sections, 8, 9, 10, 11 and 12, have been worked out and put into the bill in order to make Bill 14 appear to have some substance. Actually, it has little.

What the bill has contrived to do is to permit the public as little participation as possible in the environmental assessment process. Nowhere can any member of the public ask for a hearing. If a dam or a Hydro transmission corridor or a nuclear plant or a pipeline is to be constructed, according to this Act only the proponent and the minister can require a hearing.

Section 14(2)(c) requires the minister to consider "submissions, if any." This is the only point at which the public can have any input prior to a hearing of the board. As far as one would gather from the bill, the only persons likely to appear at a public hearing of the board would be the proponent and his representative. The only members of the public who will be directly notified of a hearing are "such other persons as the minister may determine."

I find nothing in the bill that would let a person or a company that is a proponent know that his particular project came under the Act. No doubt the regulations will clarify this. I should like the minister to comment on this apparent omission.

Speaking of regulations, surely no project should be exempted in the Act. The regulations should be used to make temporary exemptions and these exemptions should be cancelled as soon as possible. Bill 14 makes no provision for class actions whereby a group of citizens could oppose some project proposed, for example by Ontario Hydro. This project might be a dam, a fossil fuel plant or a nuclear power plant.

Individual citizens, even a large number of neighbours, would rarely, if ever, have the



financial resources or the technical expertise to oppose the huge pool of professional engineers and lawyers available to a proponent the size of Ontario Hydro. If the public is to be assured of proper protection there must be some provision made for a group of concerned or threatened citizens to have access not only to technical information but also to sufficient funds to present this information to the Environment Assessment Board, to call expert witnesses if need be. Bill 14 very carefully and deliberately has prevented this possibility from happening.

To sum up, Mr. Speaker, this bill has major shortcomings. First, the public is effectively excluded from any meaningful role in environmental assessment. Second, there is no provision for class actions or their funding. Third, the Environmental Assessment Board has no decision-making powers.

In my opinion, it should have powers similar to those of the Municipal Board whose decisions can be overruled only by the cabinet, a procedure rarely followed but one that leaves the final responsibility where most people believe it should rest, with the elected representatives.

Four, the bill should apply to all potentially hazardous projects, especially industrial ones, most of which are in the private sector. Five, Bill 14 leaves too much to the discretion of the minister without provision for appeal against a minister's decisions.

Therefore, Mr. Speaker, unless we find on reading the minister's amendments carefully that they make substantial changes in this Act, we shall be unable to support this bill.

**Mr. Speaker:** The member for Waterloo North.

**Mr. E. R. Good (Waterloo North):** Thank you, Mr. Speaker. The member for Huron has spoken very thoroughly and knowledgeably of the position of this party on this bill. There are a few things I would like to say.

The history of this bill goes back to several Throne Speeches ago when promises were made one year that we would be dealing with legislation. In the other year, I think the Throne Speech said legislation would be introduced to deal with the whole matter of assessing projects as to their environmental acceptability.

Ontario Hydro, with its vast grid system across the province, its helter-skelter taking of land and its development of networks which have cut across our landscape in the past few years and the magnitude of Hydro's projections for the future, has probably more

than anything else contributed to the public awareness of the need for this type of legislation. Included in Hydro's whole setup, of course, is the Annaprior dam situation.

The green paper and the many submissions; the controversy over whether or not the ministry was even looking at the submissions; our inability to get the codified and tabulated results of the submissions; all are very vivid in our memories. For the past year we have tried to get from the minister what people were saying in the submissions. Is there any common thread? We believe there are common threads in the submissions made and one of these common threads has to be that there must be public participation; there must be an independent group looking at this. All these have been sources of frustration to those who have had a very genuine and deep interest in the whole matter of the assessment of projects as to their environmental acceptability.

Undoubtedly, opposition within the various ministries has led to much of the delay. It has been stated by some that the Minister of the Environment, being a junior minister, has had the Minister of Transportation and Communications; the minister of municipal affairs—

**Mr. R. F. Nixon:** Upwardly mobile to Agriculture and Food.

**Mr. Good:**—and the Ministry of Agriculture and Food—some of these others are on his neck. The Minister of Industry and Tourism (Mr. Bennett) in particular has been on the minister's back over this legislation. Perhaps that was one of the major reasons the bill was first brought out in such a watered-down and ineffective form.

The minister, I'm sure, is aware of the great controversy that arose over Hydro's in-house assessment of the Bradley-Georgetown route for their high-tension power lines.

**Mr. R. F. Nixon:** Pretty disappointing.

**Mr. Good:** The Solandt commission, the first of its kind, was appointed to look at the other route from Nanticoke to Pickering; and did a very good job, I assume, after much detailed analysis of the situation. Finally, after a delay of more than a year and a half, the Bradley-Georgetown route is now going to undergo further studies, because it has been proven that Hydro's environmental study had been slanted to its own uses.

I asked them at the public meetings: "How did you do this?"



They said: "Well, the various colours on the map show those areas that we try to avoid and those which we try to go through when we are putting our high-tension lines down."

"How do you establish those? Is it because of their environmental aspects or the taking of prime agricultural land? What is it?"

"Well, some areas we avoid because there are communities there." That's understandable. "Other areas we avoid because it's tough to build the Hydro transmission lines through them."

It really wasn't an environmental study, because we all know that it's only in the past seven years that Hydro first learned that their power lines could bend. Before that they just went the shortest distance from one point to another. I think it was the Indians at the Six Nations reserve who told them they'd have to bend their Hydro lines around their reserve; and they did, for the first time.

All these things, and particularly activities of the Ministry of Transportation and Communications, have made the public of Ontario aware that we can no longer go about, helter-skelter, building huge projects, no matter whether they be in the government sector or the private sector, and expect to protect our environment for future generations.

The drafting of the regulations which under the new amendments, as I have read them, will now exclude projects, is of very great and vital concern. The original bill indicated that everything would be exempt and the regulations would opt in. As I understand the new amendments—and I've had some two or three hours to look at them—and as I understand the explanatory notes, everything will be in and regulations will excuse certain projects, municipalities and what not.

This is of great concern, because we, as members of the Legislature, can't properly assess the value of this bill until we know what the minister is going to exempt in regulations, what the timetable will be, when other projects and other agencies will be included as having to carry out an environmental assessment. That is one of the weaknesses which we see in the bill.

Of course this is standard practice in much of the legislation that's brought before us in the House in that there's more meat in the regulations than there is in the bill. In many instances the bill just gives the minister

power to make regulations, which in effect lets him do what he wants by orders in council. This, of course, is one of the major disadvantages of trying to debate a bill intelligently as an opposition member.

One of the major concerns, in which I'm sure the minister will pride himself, having amended it to a slight degree, is that under the original bill the minister or the proponent of the project could ask for a public hearing. Now, as I understand his amendments, he has added the fact that a member of the public, someone who has made a submission on the original assessment by the proponent, may also ask for a hearing.

While that, on the surface, might appear to be a great step forward, the fallacy of it is simply that no one is guaranteed a hearing except the minister. It's still at his discretion. Now this is contrary to other aspects of government policy dealing with matters that are no more important than is the protection of our environment.

Let's just look for a minute at the procedures that are followed if a zone change is going to take place, or if a decision of some other nature is made in the municipality, such as a water or sewer project to be established in a municipality. If there is one objector, you are guaranteed an OMB hearing so that all the facts may be heard. That is not before a board which then makes a recommendation to the minister, who, in the final analysis, can make the decision. People are protected under that type of legislation. If there is just one objector to the proposal, there is guarantee of a hearing.

That principle has to be in this bill before it can become acceptable. Now I grant, Mr. Speaker, the minister has to have the right to dismiss frivolous objections the same as the OMB can under their statutes. But if there are valid objections, and submissions have been made to that effect, then I think it is incumbent upon the minister to allow a hearing to those people who have shown enough interest in the whole matter to make submissions and have in their mind a valid objection to the project.

There must be a right of a hearing. I think it is equally if not more important that we demand these hearings for the protection of our environment as it is to have a hearing now under present legislation if there is an objection to a sewer or water project in a municipality from a financial point of view.

What the minister is saying, Mr. Speaker, is simply that the public have no legal or

legislative rights to demand this government to hold a hearing to protect the public from projects which are environmentally unacceptable. The citizen has no legal right to ask the government to protect him. It is only at the discretion or whims and fancy of the minister that the people of Ontario can expect this government to hold the necessary hearings to protect them from unacceptable projects.

I think this is demonstrative of the whole policy of this government, which has demonstrated under the parks Act, where the court ruled the citizens of the province had no legal right to expect the province to protect their recreational requirements. This was demonstrated in the court decision which upheld the province's right to sell off part of that park in eastern Ontario.

This is the best you can expect, Mr. Speaker, of this government. They protect the public only if it suits their purpose. The public has no legal right to expect the government to protect it. This, I think, is the great weakness in this whole bill.

There has to be an independent board; that is not guaranteed in the bill. There has been a minor amendment which does allow the board to make decisions which are then passed along to the minister. He may, or may not, act on the decisions of the board.

Those are the salient objections I have. There is much more in the bill which needs to be looked at more carefully. This, I think, can best be done in committee. There are such minor matters as the availability of reports at a nominal cost. We can talk about remuneration for objectors, as has been given to those people appearing before Justice Berger in the Arctic Pipeline hearings in the Yukon. When we listen to reports on the radio I was amazed at the people appearing before Mr. Berger. The federal ministry involved did provide certain funds, as I understand it, or the hearing expenses themselves did provide funds for those purposes.

Now many of these things we can get into during the clause-by-clause discussion. I fail to see, Mr. Speaker, that the amendments have done very much in many of the important areas to modify the original principle of the bill which we opposed.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. A. Renwick (Riverdale):** Mr. Speaker, my colleague, the member for Sandwich-Riverside, detailed our opposition to the bill and we certainly cannot lend our suffrage to the bill.

I suppose the first thing we should ask the minister is what the Leader of the Opposition asked, *sotto voce*, across the floor a little while ago. Is he going to pilot this bill through not only second reading but the standing committee?

Interjection by an hon. member.

**Mr. Renwick:** We are not going to find that we have a minister who hasn't participated in this debate conducting the hearings of the standing committee? Is that correct?

**Hon. W. Newman:** It is my anticipation.

**Mr. Renwick:** That is his understanding. All right. The next question is, to the best of his judgement—and without telling me it is not his responsibility to tell us when this session of the Legislature will be prorogued—does he anticipate this bill will go to committee tomorrow? Will the bill go consistently to committee throughout the rest of this week and next week so that the bill can be completely dealt with, reported back to this House and acted upon and given royal assent in accordance with the terms of the bill? That is the second question I would hope the minister would answer at one point. Perhaps he would care to answer that now if that would not destroy my right to speak further on the bill.

**Hon. W. Newman.** Mr. Speaker, my intention is to take it to standing committee. I understand the standing committee on Bill 100 is sitting at this point in time. There is also an estimates committee sitting. I would anticipate I would follow in line in the standing committee downstairs. I am not sure it is fair to have three committees operating downstairs at the same time. I would follow on with this bill in standing committee as soon as Bill 100 is moved out, the OLRB bill, I guess, is going down—I am not sure exactly what is going to happen to it—but I anticipate going to standing committee with the bill.

**Mr. J. E. Bullbrook (Sarnia):** Good.

**Mr. Ferrier:** It will be about Labour Day, will it?

**Mr. Renwick:** The other matter which is of concern is what is the procedure the ministry is going to follow to give notice to the public, as well as to all of the people who have made submissions—most of which we have received information about; many of which we have probably not received any information about—so they will have adequate notice of when

the committee is likely to sit and the intentions of the government with respect to it?

The minister can answer at the point in time when he replies to second reading of the bill.

**Hon. W. Newman:** They will be notified on all those notices—

**Mr. Renwick:** Is he going to publish notice in the press, in the newspapers? Is the minister going to announce it over the radio the way the government announces so many other relatively unimportant matters? So that the people throughout Ontario will be—

**Mr. Speaker:** Maybe the minister will withhold his remarks and answer the member for Riverdale when he makes his reply.

**Mr. Renwick.** I think it is most important, considering the number of people around the province who have been involved in this bill and concerned about it, both from an environmental point of view and from an industrial point of view, that they be given an opportunity—and an adequate opportunity—to get to Toronto and have their opportunity to make their presentations to the committee; otherwise it is not really going to be worth a great deal. Unless these amendments, which have been introduced to the assembly in this bill presented tonight have been available for some considerable time, they are not going to be able to give them the time, study and attention which they deserve.

I think the ministry has to have a specific plan as to when the standing committee will hear the bill; when notification will be given; and an expression of intention by the government that the committee will sit until such time as the bill is passed and reported back to his House so that it will become part of the legislation of this province before this session prorogues.

**Mr. R. F. Nixon:** Prorogues?

**Mr. Renwick:** I think prorogue is right.

**Mr. Bullbrook:** It's hard to tell; with the equivocation of the Premier, it is hard to tell.

**Mr. Renwick:** Does the member think we are just going to recess?

**Mr. Bullbrook:** It's hard to tell. We might recess; we might prorogue; we might die.

**Mr. Renwick:** What about a dissolution?

Interjection by an hon. member.

**Mr. Renwick:** Mr. Speaker, the fundamental flaw which has been referred to by members of the opposition and also by my colleague, the member for Sandwich-Riverside, revolves around the government's conception of what they, in their paternalistic way, are prepared to say to the people of Ontario about their rights, as distinct from the position which this party takes as to the nature of the rights which are involved in this bill. I have never seen, in the course of time that I have been in the assembly, any of the environmental legislation which is prepared to give a right to the people of the Province of Ontario for the protection of their environment.

I would guess that no more paternalistic statement could appear in a bill than the statement set out in section 2 about the purpose of the bill. That section is unusual in a bill because we usually don't have a statement of what the government's intention or purpose for a bill is. The purpose of this Act is the betterment of the people of the whole, or any part of Ontario, by providing for the protection, conservation and wise management in Ontario of environment.

Apart from the problem I have in understanding what those words mean, I can conceive of no more paternalistic attitude by a government about the extent to which it is prepared to extend rights to people. I would have assumed that if the government were serious about the purpose of the bill, it would have phrased the clause somewhat as follows, that the purpose of this Act is to establish the right of the people of Ontario to the protection, conservation and wise management of the environment. It would have seemed to me that would be a forthright way of saying exactly what the government intended.

That's the kind of statement we in this party expected to see, and would support if it appeared in the bill; because then, of course, if that clause were so stated to be the purpose of the bill, an immense number of other things would flow automatically from it and be consistent with the purpose of the bill as so stated in the way in which I think it should be expressed. We would then have a number of the other matters dealt with which have been of such extensive concern to so many people in the two-year period this bill has been available for public scrutiny and study.

For example, the bill would then have to clearly set out who had standing before the Environmental Assessment Board. Standing is the question of who has a right to appear, either before a court or a board which is



vested with the kind of authority which the Environmental Assessment Board will have in the amended bill. I might say there is, I believe, a reasonably substantial improvement in the bill in the amendment which is now before us for that particular section.

Standing is extremely difficult. You can be certain the Environmental Assessment Board, by the nature of the rules with respect to standing in courts and with respect to standing before other boards, will be required by the nature of the jurisprudence involved to limit the persons who can have standing.

I don't know what the minister means by his amendment when he says that now he is going to give notice to the public and he's also going to give notice to such other persons as he considers to be necessary or desirable. My colleague, the member for Sandwich-Riverside, draws my attention to this. Which people are going to be necessary and desirable in the sense that they are going to receive the notice? Surely it would have been sufficient to say that he is going to give notice to the public as well as to the proponent of the scheme; to whom naturally he is going to give it in any event.

Surely if the minister is going to grant even the limited access of the public, which the amendments introduced tonight would indicate that the minister has considered, it should be sufficient to say he is going to give notice to the public. The ministry can then decide who the persons are who represent the public of the province and the means and the method by which that notice is going to take place. I don't know whether or not there is going to be any opportunity for a person to take the kind of position to the court that was attempted in the case of the sandbanks down in Prince Edward county in the case of Canada Cement where Mr. Justice Lief, if my memory serves me correctly, simply said no, the person didn't have any standing because he couldn't show any special or distinctive concern apart from the rest of the people in the Province of Ontario about the destruction of the sand dunes and the method by which the government had tolerated that destruction.

By the way, so far as I know, we never have heard what the government finally paid, if anything, to get back those sand dunes, but perhaps we can ask about that at another time.

I simply say to the minister that the bill, either in its original form or in the amended form which is before us, doesn't clarify but indeed makes extremely difficult the question of standing. We can argue about

this in committee. I don't think it should be up to the minister to decide what is frivolous or vexatious about a person's making written submissions and requiring, if that's the term which is used in the bill, a hearing to be held; and then giving the minister the overriding right to say if it is frivolous or vexatious. Any board, the Environmental Assessment Board included, can well decide itself whether or not in the course of a hearing some submissions is a frivolous or vexatious one. Then the minister can vitiate all entirely by simply saying he doesn't consider it to be necessary to have a hearing; or he can also say it would cause undue delay.

Anybody who understands anything about weasel words understands that words like "undue delay" are words which are subject to immense misinterpretation and immense misunderstanding as to what the purpose of such words are when they appear in a statute. They have an element of inexactitude about what they mean sufficient to make them for practical purposes meaningless.

Then, if the minister were to adopt the proposal as we stated it as to the purpose of the bill, that instead of what the minister has said in section 2 of the bill he would substitute and accept our proposal for that statement that the purpose of this Act is to establish the right of the people of Ontario to the protection, conservation and wise management of the environment, not only would the bill be clear, as I have tried to illustrate, on questions related to standing, but it would be clear as to what kind of documentation would be made available to an intervener who wanted to intervene either on behalf of himself or on behalf of himself and any number of other citizens in order to have standing before the Environmental Assessment Board so that he would have the kind of documentation and the kind of information available to him, not for inspection but as his right to receive copies of the information so that it could be adequately studied, reviewed and assessed so that at the point in time where he is going to make submissions to the Environmental Assessment Board, the person could be prepared to do so. Again, if the government were to accept the principle in the way in which we think the purpose of the bill should be stated, it would be absolutely clear that the government would have to provide a facility for providing financial assistance to those persons who wanted to make interventions before the Environmental Assessment Board. The record itself, not just the assessment review at the beginning, would be available to those per-

sons who were going to be intervenors in the course of the proceedings.

Again, if the government accepted the purpose of the bill in the language in which we would state that purpose, it would be obvious that we would not go through this elaborate routine of excluding the Statutory Powers Procedure Act, because that was involved with the rights of citizens as against their government. The procedures were set out in that Act as part of the implementation of the recommendations of the McRuer commission report for the purpose of assuring people that they would have a fair and proper hearing.

I have quoted as often as I can in the Legislature the basic, fundamental, simplistic statement about the natural justice of persons before governmental boards, which were stated many years ago in the Board of Education vs. Rice. I used this quotation on two other occasions in the assembly, once when we were talking about the Ombudsman and on an earlier occasion when we were dealing with a similar situation to which we are now addressing ourselves. I quote the clauses which are significant:

In such cases the board of education will have to ascertain the law and also to ascertain the facts. I need not add that in doing either they must act in good faith and fairly listen to both sides, for that is the duty lying upon everyone who decides anything.

Succinctly stated, that is what the Statutory Powers Procedure Act was about: it was to establish a procedure, a codification of a procedure by which people would be entitled to a fair hearing, that the principles of natural justice would not be denied them. But the minister has denied them in this bill because he has excluded the Statutory Powers Procedure Act from the bill, or he has referred to it in such gobbledegook that it is now not possible to understand what it is about.

In section 18(12) of the bill, the minister has introduced the amending words:

Notwithstanding anything in the Statutory Powers Procedure Act, 1971, the board may determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure in the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

There, the minister has said that the Statutory Powers Procedure Act is not going to

apply; and the very principles which flowed from the McRuer commission report, which was designed to provide a statutory formula for protecting the rights of citizens, are being ignored by the government. It just reinforces what I have said earlier, that the minister has no understanding of granting rights to the people of the Province of Ontario with respect to their environment. He insists upon the inadequate, paternalistic system he followed under the Environmental Protection Act, which we passed here in 1971. He seems to think that that's the way he can deal with the problem, because he won't grant the people the rights to take the action on their own behalf.

Then, so far as I can tell—and mind you, there is another reference to the Statutory Powers Procedure Act a little later on which is also gobbledegook, because it says: "Except as provided in this Act the Statutory Powers Procedure Act applies to the proceedings of the board." In one place the minister says that notwithstanding that, the board may make its own procedures; then he says, to the extent that the board doesn't exercise its power to exclude the Act, the Act will apply, which is my version of legal gobbledegook.

But, in addition to that, because you don't grant anybody any rights, you also exclude the Judicial Review Procedure Act, and you insist on having a privative clause in the bill which is before us for consideration, which totally excludes the court from any review. There isn't even a provision for the Environmental Assessment Board to go to the court to ask for advice on a question of jurisdiction. There certainly is no right for any citizen to require that board to go before the court, if the justification is there, or the allegation of the justification is there, under the Judicial Review Procedure Act.

I would commend to the ministry its own book—not the book of the Ministry of the Environment, but the book of the Ministry of the Attorney General dealing with the practice and the procedures and an elaboration of the Statutory Powers Procedure Act, the Judicial Review Procedure Act and what the McRuer commission was about.

I warn the minister that one of these days, somewhere in this government they're going to have to grant the public rights in situations such as this. The people of Ontario include the proponents of undertakings, because the word persons, of course, is broadly defined to cover almost anybody.

I think I have said enough about the distinction that we in this party make about a



government ensconced in power for such a lengthy period of time, and its view that it must, of necessity, be paternalistic in the tradition, as it does, of inheriting the mantle of the Family Compact of Upper Canada. You can't get around to the point of granting rights to the people of the Province of Ontario in matters which affect them. You always know better, the government always knows better, the executive council always knows better on questions such as the immensely important questions which are involved in this whole area of the protection of the environment, not historically by correcting things which have gone wrong, but prospectively in the way in which any reasonable Act would have been designed for this purpose. This Act does not meet the intentions expressed in such glowing terms by yourself when you introduced the bill, or in the words of the Premier when he referred to the green paper assessment which was going to be made and the opportunity for people to have an input into the bill.

Until you introduce the kinds of amendments which will give effect to the grant of rights to people with respect to their environment, then we, perforce, are going to have to oppose the bill, because the things which would flow from granting rights are nowhere evident in the bill, either in the way it was originally introduced or in the way it is before us this evening for consideration in its amended form.

Let me turn for a moment to the question of the application of the bill. I think there is a reasonable argument that the minister has made from the time he first introduced the bill until now, about the problem of the staff and the qualified staff and the people to do the job. Everybody knows that. I think there's a reasonable argument that can be made that some care and caution need be exercised.

But why do it in the order that you are pretending to do it? Why do you opt in the government of the Province of Ontario and all the agencies of the government and the other public corporations that are involved, other than the municipalities, and continue to opt out the major industrial and commercial enterprises in the province and the undertakings proposed by those bodies? Surely, the government has under its control now the actions of the government, the actions of the Crown agencies of the government, and the actions of bodies such as Ontario Hydro.

In order to give the ministry time to build up knowledge and expertise, surely the minister's colleagues, the responsible ministers for

those various aspects of government, should at this point in the history of the Province of Ontario have enough wit, wisdom and background of experience to know that any significant project in their ministry requires an environmental assessment.

If the minister wants to relieve his ministry of the burden of all of them, that is the way he should lead those ministries with responsibility to the public, which they in their turn, have to work out their own environmental procedures. It has been done before on an ad hoc basis. Surely it could be done on an ad hoc basis now.

The ministers responsible will get into enough difficulty if they don't do it; the minister doesn't need to bring them immediately under his Environmental Assessment Act. What he does need to bring immediately under his Environmental Assessment Act is significant government projects, on which the ministers could agree in the cabinet among themselves as to whether or not they should come under his ward.

The minister should bring in immediately a requirement of notification of all undertakings by industry in the province. All industry or commercial undertakings that will have an environmental effect should be brought in. Start here and require that right at the initial outset of the bill, that they be subject to the bill.

Subject, as we all know, to the ministry having an intelligent appreciation of the size of the undertakings about which he would have concern and the extent, through regulation, by which he can delimit, or allow small undertakings. Perhaps they can take place in a restricted form or a less elaborate form than the full grown procedures which are set out in this Act for the Environmental Assessment Board.

I can't conceive that this ministry can seriously say at this point to the people of the Province of Ontario that a complex, such as Petrosar in Sarnia, can go forward without an environmental assessment. I can't conceive that there can be any view in the government that there should be any more delay than there has been in the gestation period of this bill, of saying to Petrosar: "You have to go through the Environmental Assessment Board. True, you may have problems because you are going to be the first one, but we want you to go through it because we are not going to allow a chemical complex of that magnitude to be established in the Province of Ontario without the environmental hearings that we project for the purpose of protecting the public."



That is exactly the kind of assessment which is required; otherwise we are again going to be in the historical situation of clearing up what has gone wrong in the beginning; this ministry is not going to have any control over it and it is going to be done before the ministry is finished with it.

It is true some big commercial or industrial undertaking is going to have to be first. There are going to be problems and there are going to be the difficulties as with any teething operation of this magnitude.

What other ones could we name? Presumably we could name the steel industry's plans for the expansion of their various plants. Surely we could name the immense contract which has been let, as I understand it, in my colleague the member for Cochrane South's riding, with respect to the expansion of the activities of the Texas Gulf, which is partly owned, if not controlled, by the government of Canada through the Canadian Development Corp. Surely the minister can't concede that kind of undertaking can go ahead without an environmental assessment—even at this late date—and requiring them to go through the processes which are required?

I am quite certain that members of this House could name any number of other similar projects, because that's where the problem is. The government, through its own ministries, has control over the kind of environmental assessment the individual ministries would do and the kind of public participation. The public would far rather wait for those to be brought under the aegis of this minister in this Act, and to have those large industrial conglomerations, with their extensive expansion plans and their extensive tax benefits granted continuously by this government to foster their expansion and development, subject to this kind of environmental review, more than any others. It seems to me that makes very good sense.

It seems to me that would be an equally realistic way for this ministry to face up to the shortages of the skills which are required, not only for those who are the proponents of undertakings before this new board but the skills required within the ministry itself and the Environmental Assessment Board to do the kind of job which is required to make this Act a meaningful one.

If I may move on to the other and really the last point in the bill which is of major concern to me: I don't know what the minister means by environmental assessment as distinct from feasibility. The word feasibility

didn't appear in the bill until these amendments were introduced tonight. Feasibility tends, in my judgement anyway, to be a study which should be done after the environmental assessment because there is the whole question involved of whether we need it or don't need it.

Feasibility connotes, in its very terms, that the decision has been made that we need it and then we find out whether or not it's feasible in social and economic terms. The decision has already been made that it's economically needed but is it feasible to go ahead with it and is it feasible to go ahead with it at that particular location? The bill, as I understand it, says the commercial and industrial enterprises can go ahead with feasibility studies and without being involved in any delay with respect to feasibility studies.

I think in any event the minister is going to find those companies will have gone so far on the feasibility question that it will be almost impossible to say no, even after an Environmental Assessment Board hearing, either by the board, the cabinet or the small group of ministers who, in consultation with the minister, may make the decision. There will be little if any nay-saying if the Act is left the way in which it is presently drafted.

One of the fundamental questions which must of necessity be before the board at all times is "On balance, is this necessary?" If it is not necessary, we don't have it because the social and economic cost of that project is too great. It's not just the proposition which seems to slip off the minister's lips from time to time; it's that every economic activity is, of necessity, necessary and all we're really trying to do is do it in such a way that causes the least damage to the environment.

That isn't what the bill is about, as we understand it. There may well be situations in which the damage to the environment is the least possible for that economic activity to go on but is intolerable for the community of the Province of Ontario or the community in which the particular undertaking is to be located. I think in committee we are going to have to have a much clearer understanding of what the ministry means by feasibility and what it means by environmental assessment and what it means by indicating industrial enterprises can go ahead with their feasibility studies without being subject to any of the penalty consequences which flow from the bill. The two matters have got to be clearly defined and clearly understood or there is going to be immense confusion. The only club which the minister will have will be vitiated, if he ever tries to enforce it, be-

cause he will get into that never-never land of trying to lay an information against somebody to fine for breach of the statute and he is going to have a very fine argument as to whether or not it was an environmental assessment or a feasibility study which was being undertaken.

As I say, the conception of environmental assessment as stated in the original Speech from the Throne over two years ago; the further assessments which were made in the green paper; the input which various interested people, both industry and environmental persons concerned more directly with the protection of the environment, have made; and the amendments which have been introduced tonight, show no real understanding by the ministry of the kinds of problems we are trying to talk about.

We say the nub of it relates to the question of the way in which the government expresses the purpose of the Act. I think the purpose of the Act as set forth in section 2 is what is wrong with the bill and the consequences which flow from that flaw in the bill are so serious that we could not under any circumstances support the bill on second reading.

**Mr. Speaker:** The member for Carleton East.

**Mr. P. Taylor (Carleton East):** In September, 1973, this government published a green paper on environmental assessment. The paper promised that for the first time in any Canadian jurisdiction it would be required by law that the environmental consequences of new projects be foreseen and where possible prevented. Then in March of this year, the Minister of the Environment introduced Bill 14, saying at that time it was one of the most important pieces of legislation ever introduced in this province. Tonight he has introduced an amended version of that bill which on first examination doesn't appear to do very much to alter or soften in any way the very strong criticisms the original version of Bill 14 attracted from a wide variety of interested groups.

In the next couple of minutes I would like to put on the record some of the salient comments by interested organizations, because like many other members of this House, particularly on the opposition side, I have no guarantee whatever that the standing committee of this House that will be given the task to study this bill will have its proceedings recorded. Therefore, I think it is important that in the Hansard of the House the comments of the interested groups be recorded,

because as I have said we have no guarantee that these comments will go on the record of the committee because there will probably not be a record kept of the proceedings of the committee that will study Bill 14.

The Canadian Nature Federation said Bill 14 does not meet the expectations raised by the green paper of 1973. It said:

A careful reading of the bill leads us to conclude that it will be neither powerful nor far-ranging. The bill provides for the establishment of an Environment Assessment Board appointed by the government with no legal powers. It can only make recommendations which the minister is not bound to follow.

Commenting in April on Bill 14 the the Conservation Council of Ontario said:

Environmental assessment will not realize its potential as a planning tool so long as it is within the power of the Minister of the Environment to unilaterally exempt any project from compliance with the law.

Pollution Probe at the University of Toronto:

The bill is so diluted it's a wonder so much time and money was spent putting it on the order paper. It gives the minister far too much power. The public is almost entirely shut out. The scope of the bill is far too limited.

Pollution Probe concludes:

If the bill is to be effective, it must consider such broad but very real and practical consideration as energy consumption, land use and industrial sprawl, all of which may enter into the long-term costs of a project.

The Canadian Environmental Law Association said:

The bill imposes no duty upon the minister to use his powers, nor does it provide any means of appeal or redress if he fails to do so.

The Canadian Labour Congress in April of this year:

The entire assessment process could, and in most cases probably would, take place within the government from start to finish, without the public finding out about the proposed project until the bulldozers come.

A member of the fourth estate who has been around the Legislature for a long time, Harold Greer, wrote a column on Bill 14 which appeared in the Montreal Star on March 29. In that column, he said:

This legislation truly boggles the mind, not only for its blatant hypocrisy but for its Orwellian surrealism. If this bill is en-



acted as it stands, "Big Brother" has arrived in Ontario.

I think the one aspect of this bill that disturbs me most is the word "discretion." The minister has almost unlimited discretionary powers to decide which projects will be the subject of some kind of environmental assessment. In his remarks at the beginning of second reading of this bill tonight, at the bottom of page 2, the minister says:

Any proponent or individual who makes a written submission can require a public hearing on the undertaking. The minister can, at his discretion, order such a hearing or deny the request [and where] in his judgement a hearing would be unnecessary or could cause undue delay in the process of the undertaking.

As in so many other things in Ontario which have been outlined by my colleagues from Huron and from Waterloo North, this government is again proceeding by the device of ministerial discretion; and we know from history that it just doesn't work.

Finally, the other aspect of this bill that disturbs me is that it is so weak at a time which follows a peak in public interest in education in this field in the past few years. In short, the people of Ontario not only are ready for strong law in this field, they are asking for it. In the face of this reality, the Minister of the Environment has brought in not just a new bill but an amended bill that will be widely condemned unless he listens to the very strong and very valid criticism that has already been directed at the original version of Bill 14. Thank you, Mr. Speaker.

**Mr. Riddell:** It's just window-dressing.

**Mr. Speaker:** The hon. Leader of the Opposition.

**Mr. R. F. Nixon:** Thank you, Mr. Speaker. I want to concur with what has been said by my colleague who has just resumed his seat. I can't understand the minister leaving the bill in its original form before the House these many weeks and then presenting a new bill which he indicated in his statement he wants to be considered in this second reading.

It's true, the new bill is labelled "re-printed for consideration by committee," but there is no way I can count the amendments that have been included. I would be prepared to say that the minister, being a reasonable man, should expect us to talk about the new bill; it might have been better if we had had it sooner, but I don't even want to criticize

him for that. I just want to make it clear that under our system the bill that has been before the House is the one obviously on which we have to express our views at the present time. If the minister wants to present a bill for consideration by the committee, it's useful to have it now but really we cannot discuss it in principle on the basis of the many amendments. I can't count them; really, there must be 30 or more. I look at the black hands and the underlining in the bill—I don't know which one is separate, if one counts it section by section. I suppose there can't be more than 47 amendments since that's all the sections there are but in the longer and detailed sections, there are many amendments. I still believe the minister has fallen short of the requirements which we, as the opposition, feel are necessary in a bill which is a landmark concept, if this bill is not a landmark itself.

Mr. Speaker, I know you peruse the Liberal campaign documents, election by election, very carefully and you would know that since 1967 we have had a commitment to the concept supposed to be embraced in this bill. That is, there be an environmental hearing which is not under the thumb of the minister or any agency of the ministry; which does not exclude any public or private development. We believe this bill, in its vagueness particularly, does and may exclude many important developments.

I will tell you I believe in responsible government, Mr. Speaker. The concept here that all projects do come under the ambit of the bill, except those which by regulation or ministerial fiat can be excluded, is an interesting one but we, on this side, believe that any project of any significance of government or the private sector—which may have an impact on the environment should be reviewed under the most stringent and independent processes and the recommendations publicly made to the government.

The minister, on his recommendation to his colleagues, may reject those recommendations because we believe that under our constitution the government has the power to reject those recommendations because it is responsible. In other words, the government, representing the people, can decide that on balance a project must go forward even though its impact on the environment has been judged to be of a certain level of seriousness by the review procedure. The idea of excluding projects from the hearing itself is one which I feel is a serious weakness in the bill.

I think my colleagues have made a number



of important points. In the case of a municipal hearing, one objector will require a hearing before the Ontario Municipal Board but under the procedures outlined by the bill as amended, even for committee perusal by the minister, this is not a requirement. We feel that if it is to be landmark legislation, it should not exclude either public or private projects from the assessment which we believe is necessary if this concept is going to be meaningful now and in the future.

We are glad that the minister, with the advice available to him and after the comments which have come in from the community, has seen fit to change the bill in some respects. We object to the fact that the minister did not withdraw the original bill and submit a new bill for first reading. That is the procedure which should be used when the amendments are as extensive as they are here, but frankly we believe that even the amended bill falls short of the principles we are prepared to support.

We believe there should not be the exclusions, and the power in the minister to grant exclusion, which are contained in this bill. We believe these are powers which the minister should exercise only after a hearing has been held and he is using his undoubted authority and power to recommend to his colleagues to proceed with a project even though the hearing board has given a judgement which might indicate there is an impact on the environment which would be deleterious. We think under those circumstances the democratic process works. The minister and his colleagues are then responsible, but to obviate a hearing itself simply by order in council or by the procedure that is outlined here for the exclusion of certain projects is unacceptable in our view.

I must be frank, Mr. Speaker. We believe that the concept of environmental hearing and assessment is an important one and one which has been postponed far too long. The last three Speeches from the Throne—I believe it's two or three—have indicated quite clearly that the government is prepared to accept this principle, but this is the first time that a bill of any significance has appeared before us. I'm not saying that this bill will not be significant in its applications, but we feel it falls far short of the principles which have been put forward by the government, put forward by both opposition parties, and which I can assure you, Mr. Speaker, would have gained support on both sides.

I believe the flaw in the principle is the fact that the public and private projects are not, without exception, subject to these hear-

ings. For that reason, as my colleagues have stated, we cannot support it in this diluted manifestation that we have even in the bill that has been presented by the minister here. I would say that the minister may have one or two other bills before he has a change in his responsibilities. I think it is very important that when there is this kind of far-reaching amendment, the way to proceed surely is to request the withdrawal of the bill, which certainly would be approved on all sides, and the resubmission of this bill for first reading.

That's the way the democratic process is best served, rather than asking us, Mr. Speaker, to consider a bill so extensively amended for discussion and debate in principle. Number one, we really must discuss the bill as it was originally put forward, which was seriously deficient in many respects, both in general and in detail. But even in its reprinted form, we feel that it falls far short of the principle that we are prepared to support, and that is, the review by an impartial board, without exception, of those public and private projects which may have an impact on the environment, with a recommendation to the minister which he then, in his responsible capacity, must respond to. For the reasons put forward by my colleagues, we cannot support the bill in principle at this time.

**Mr. Speaker:** Do any other hon. members wish to speak on second reading of this bill?

**Mr. Ferrier:** The member for Oshawa (Mr. McIlveen) wants to speak.

**Hon. W. Newman:** Yes, Mr. Speaker. I must say that in the amended bill, of which I gave a copy to the Leader of the Opposition and a copy to the New Democratic Party this afternoon, the mechanics of the bill have been changed a great deal but not the principle. Thus, the bill is coming forward in the amended form. I think I said in my opening statement originally that we were talking about preventive medicine in this bill. It was after a lot of long and lengthy deliberations that we made the amendments, and I would say that I think the amendments are very good amendments.

I'm just going to run over some of the comments that members made tonight, because we will be having an opportunity to discuss this clause by clause and detail by detail as we get into the standing committee on this bill. One of the things that we've changed in the bill is that all government agencies are in the bill at this point in time, under the general principle of the bill in that respect.

Anyone has a right to ask for a hearing. Both the proponent and the person who is opposing has a right—

Mr. R. E. Nixon: But they haven't got a right to a hearing.

Hon. W. Newman: —in writing to ask for a hearing.

Mr. Good: Big deal.

Hon. W. Newman: We put it in so that they both have the opportunity.

Mr. Ferrier: We won't get it.

Mr. Good: We won't get it.

Hon. W. Newman: One of the things the members talked about was, why were we so long in bringing it forward in second reading. I think they will see by the amendments that we had a lot of meetings. I had a lot of meetings with various interested groups and with industry regarding this bill, and thus the amendments have come forward for second reading tonight. The public, in the new bill, will be given a lot more notification, a lot broader notification, of the opportunity to speak before the Environmental Assessment Board. It will be a much broader notification. This is one of the amendments in the bill.

The green paper was open for public scrutiny, yes. It was opened up last March I think, or shortly before or after I introduced the bill. The file is quite high and it is open to public scrutiny.

Mr. Good: What is your time-table?

Hon. W. Newman: We will be giving notification to all the people who are involved. As far as the hearings on the assessments are concerned, all those who have written in and shown an interest will be given the opportunity. The five-member board will probably be a great deal larger than a five-member board in the final analysis because there will probably be a lot of hearings across the Province of Ontario. As I said, the opponents can ask for a hearing which is new. I think it was the member for Huron who said in its first two years it would be government only. I didn't say that. I originally said that we would start out with government agencies and get a little bit of experience on this particular matter. We will be taking up the municipalities until such time as we have had some lengthy discussion with the municipalities.

I think the hon. member mentioned this will

protect private projects. This is not so, because under the Environmental Protection Act now—and I think this is very important—any proponent of a new industrial development or heavy commercial development that has any discharge at all must get an approval through the ministry. That doesn't mean they have to have an environmental assessment but they have to have approval.

This is one of the reasons why industry has found that by coming to the ministry first—and many of them on a co-operative basis as of now are coming to us on a regular basis—it's much easier to build any abatement equipment that is needed into present industrial or commercial enterprises, than after the fact when it's far more costly to put in abatement equipment. Abatement equipment after the fact is twice as costly. They are coming to us on a voluntary basis even now, I think partly in anticipation of this legislation and also partly because of our environmental protection.

The board will be given powers to make decisions and, should a hearing be held under the provisions of the Statutory Powers Procedure Act, with exceptions relating to procedure, at a hearing to be established at the discretion of the Environmental Assessment Board. This is one of the new amendments. All the people will be notified about any new project that is going to be done. The 15 days the member was talking about as far as submissions are concerned have been changed in the amendments to 30 days. That is new. We have changed that from 15 to 30 days.

As far as I am concerned, it will be done by order in council—the independent board, like our Solid Waste Advisory Board, will be appointed by order in council. I really believe that it is an independent board. It is working independently and the people who are on that board come as well-qualified people.

I am just trying to cover the points the member brought out. Both sides will be given the opportunity to ask for a hearing and there will be notice of decisions to all people who were involved in the hearings. There will be public participation in the hearings and they will be given the right to make their presentations.

The member mentioned Timagami, which comes under the Minister of Natural Resources (Mr. Bernier). We'll be working with them on that. I think the member for Sandwich-Riverside brought up a point regarding industry. We are having a great deal of co-operation with industry now and we will

be bringing them in. We are not saying exactly how soon but certainly it will be before very long. If we see a particular problem arising, we can deal with it under the present legislation.

I think one of the members asked what sort of work they would be doing. A good example is the fact that the Environmental Hearing Board is now doing a Hydro hearing. The Environmental Assessment Board, I would assume, outside of the Porter commission' long-range plans, would be doing a great deal of work.

I could go on at great length about the various comments that were made. I do appreciate them. Some of them I agree with, and some I don't. We'll get into detail in committee when we talk about public notification, feasibility and other matters that were discussed tonight by the various opposition members. When we get into committee I will be quite glad to deal with them on a detailed basis.

What we are really saying here tonight is that this legislation is new. There are a lot of changes. I really believe this is a step forward and in the right direction. With the amendments we have made, which allow both sides to be heard and which allow the board to make a decision, the bill is much fairer and more equitable than when it first came in.

Let me say this on the principle of the bill. We feel it is a good bill with these amendments. We are quite prepared in the standing committee to listen to suggestions of the various opposition members and of any group that wishes to make a presentation. I'd like to make it very clear to the member for Riverdale that we will be starting, as of tomorrow morning and preferably by phone, to notify all those who have shown an interest in this bill, so that when we do go to standing committee they will have an opportunity to make their presentations.

We will try to notify all those involved as far as the bill is concerned so that they will have adequate opportunity. Hon. members will find that many amendments in the bill are as a result of discussions we have had with various groups, but I think everyone should have a chance to come before the standing committee. Mr. Speaker, I will leave it at that until we get into the standing committee and into clause-by-clause discussion.

The House divided on the motion for second reading of Bill 14, which was approved on the following vote:

## AYES

Allan  
Beckett  
Belanger  
Drea  
Eaton  
Evans  
Gilbertson  
Grossman  
Havrot  
Henderson  
Hodgson  
(Victoria-Haliburton)  
Jessiman  
Kennedy  
Lane  
Leluk  
MacBeth  
Maeck  
McIlveen  
Meen  
Morningstar  
Morrow  
Newman  
(Ontario South)  
Nixon  
(Dovercourt)  
Nuttall  
Parrott  
Root  
Scrivener  
Smith  
(Hamilton Mountain)  
Turner  
Villeneuve  
Walker  
Wardle  
Welch  
Wells  
Winkler  
Wiseman—36.

## NAYS

Bounsall  
Breithaupt  
Bullbrook  
Burr  
Campbell  
Deacon  
Deans  
Dukszta  
Edighoffer  
Ferrier  
Good  
Haggerty  
Martel  
Newman  
(Windsor-Walkerville)  
Nixon  
(Brant)  
Paterson  
Renwick  
Riddell  
Ruston  
Samis  
Singer  
Smith  
(Nipissing)  
Spence  
Stokes  
Taylor  
(Carleton East)  
Worton—26.

Clerk of the House: Mr. Speaker, the "ayes" are 36, the "nays" 26.

Motion agreed to; second reading of the bill.

Mr. Speaker: I understand the bill is to be ordered to the standing committee. Is that correct?

Agreed.

Hon. E. A. Winkler (Chairman of Management Board of Cabinet): Mr. Speaker, before I move the adjournment of the House, I would like to call the order of business for tomorrow and subsequently. I'll name the items and not necessarily the bills: Nos. 3, 4,



5, 30, 29, 8, 7, 28, 19, 20, 21, 11 and 15, to be followed by 16 and 17.

**Hon. R. Welch** (Minister of Culture and Recreation): That's just for tomorrow. Wait until they see Friday's list.

**Hon. Mr. Winkler**: Yes, that's just for tomorrow.

**Mr. E. W. Martel** (Sudbury East): Why doesn't the House Leader just say everything, plus what might be introduced?

**Mr. I. Deans** (Wentworth): Before the adjournment motion is put, I wonder if the House leader can give us some indication of how he proposes that we deal with all of this legislation in the standing committees, since quite obviously there are a number of committees that are going to be sitting simultaneously if we're going to proceed with this

bill, the labour bill and the education bill plus the House?

**Mr. Martel**: Plus the estimates.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Things are tough all over.

**Hon. Mr. Winkler**: I understand we will be conferring, possibly tomorrow. We'll try to resolve that problem. With the two committees sitting at the moment I would not like to call another one this evening.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:45 o'clock, p.m.

## CONTENTS

Wednesday, July 2, 1975

Environmental Assessment Act, Mr. W. Newman, second reading	3531
Motion to adjourn, Mr. Winkler, agreed to	3552



# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, July 3, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 3, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. L. M. Reilly (Eglinton):** Mr. Speaker, among our visitors today there is a group of students taking a special summer course on international politics. They are from various parts of the city of Toronto and they are here today from North Toronto Collegiate along with their instructor, Mr. Prociw. I know that you and other members of this group would like to welcome them here.

**Mr. Speaker:** Before statements by the ministry today, I would like to inform the House that Mr. Speaker Rowe has had misfortune in his family again. He has lost a brother in an airplane accident and is unable to attend the session today. I am sure each and every one of us would like to express to him our deep sorrow and regret at the many fatalities that have happened in his family in the last two or three weeks.

Statements by the ministry.

**Hon. W. G. Davis (Premier):** Mr. Speaker, before making a statement I would just like to express through you, sir, to Mr. Speaker Rowe the regrets of the members. As you say, this is the third very sad occasion for our Speaker. I am sure that our thoughts are very much with him at this moment.

## ENERGY PRICES

**Hon. Mr. Davis:** Mr. Speaker, at the first ministers' conference on April 19 of this year, I pointed out as seriously as I was able that energy policy, of which energy pricing is a most crucial component, must be designed within the framework of a national policy that serves short-term as well as long-term interests of all Canadians.

There is little disagreement as to Canada's policy needs. Inflation is severe and dangerous. The ranks of the unemployed are swelling and employment opportunities are not expanding at an acceptable rate. Costs everywhere are continuing to escalate. Canada's

need is for policy that addresses these problems.

Given the perilous and uncertain economic environment, Ontario has vigorously opposed any increase in the prices of crude oil and natural gas at this time. At the first ministers' conference I underlined that the national priority must be the restoration of our faltering economy. I agreed that once that accomplishment is clearly behind us we might appropriately consider adjustments in natural gas and crude oil prices.

Why was it necessary for the price of crude oil to go up \$1.50 a barrel wellhead as of July 1? Why is it necessary for the price of natural gas to be jumped by 43 cents as of Nov. 1? Why must the government of Canada impose a tax which extracts from the pockets of Canadians 10 additional cents for every gallon of gasoline that they purchase?

**Mr. R. F. Nixon (Leader of the Opposition):** Why must Hydro go up 30 per cent?

**Hon. Mr. Davis:** There can be no mistake about one thing. These increases are not necessary to achieve the funds needed to subsidize oil consumers in the eastern part of this nation. The increase in the revenues accruing to the government of Canada as a direct consequence of the 10 cents a gallon revenue tax on gasoline, the escalation by \$1.50 a barrel of the price of crude oil and the 43 cents per thousand cubic feet increase in the price of natural gas will exceed by two or three times the revenue required to cover the difference between the compensation payments to the eastern provinces and the revenues from the export subsidy levied by the government of Canada on oil exports.

There is no reason for these taxes, other than the propensity of the government of Canada to consume money.

**Mr. R. F. Nixon:** The Premier must understand that propensity.

**Hon. Mr. Davis:** Increases in the price of crude oil and natural gas are simply taxes. They are different only in form and incidence from the 10 cents a gallon excise tax placed directly. The price of petroleum products

is now a function of the need for additional revenues by government.

The fact that much of this revenue goes to the producing provinces, both of them, in the form of royalties does nothing to alter the fact that a federal initiative in petroleum prices is exercised to fatten federal coffers. Crude oil and natural gas in Canada are no longer managed in the economic interests of the nation. They have been converted into a happy hunting ground for the federal tax gatherer.

The taxes on gasoline and other energy sources were not the only irrational element in this supporting document.

Interjection by an hon. member.

**Hon. Mr. Davis:** The budget speech of June 23 was replete with fatuousities.

**Mr. S. Lewis (Scarborough West):** The federal Liberals are going to fracture the party.

**Mr. Speaker:** Order, please.

**Hon. Mr. Davis:** The member doesn't know what that means.

**Mr. Lewis:** We know what it means.

**Mr. Speaker:** Order, please, while the Premier is making a statement.

**Mr. R. F. Nixon:** He said he was acquiescing with reluctance.

Interjection by an hon. member.

**Mr. Speaker:** Will the member for Sarnia come to order?

**Mr. J. E. Bullbrook (Sarnia):** Yes; will you make him come to order too?

Interjections by hon. members.

**Mr. Speaker:** Will you come to order, please?

**Mr. E. Sargent (Grey-Bruce):** Since when did the Speaker stop the interjections?

**Mr. Lewis:** The Premier is probably moving to a substantial initiative in this statement.

Interjections by hon. members.

**Mr. Speaker:** Will the member for Sarnia come to order?

**Mr. Bullbrook:** I am in order in my seat right here.

**Mr. Speaker:** Yes, but don't interfere when there is a ministerial statement, please.

**Mr. Sargent:** Why is the Premier trying to bring us to our knees?

**Mr. R. F. Nixon:** He thinks we should be on our knees.

**Mr. Lewis:** He is skewering the Liberals and maybe even the NDP. We have a right to interject.

**Hon. Mr. Davis:** We are sure skewering them.

**Mr. R. F. Nixon:** Get to the point. What is the Premier going to do about it?

**Mr. Sargent:** He has a good horse. Why doesn't he ride it for a while?

**Mr. R. S. Smith (Nipissing):** Just wait.

**Hon. Mr. Davis:** Lip service was paid to rolling back governmental costs. The Minister of Finance boasted of his success in squeezing \$1 billion out of government of Canada expenditures. What is the fact? The fact is that on a national accounts basis, expenditures this year will be 16.8 per cent higher than actual expenditures last year.

**Mr. M. Shulman (High Park):** Almost as bad as Ontario's.

**Hon. Mr. Davis:** The Minister of Finance talked about economizing in government salary budgets.

**Mr. R. F. Nixon:** What about the government's \$2 billion deficit?

**Hon. Mr. Davis:** How? By tolerating a rate of increase in the public service of 3.1 per cent in the budget year. At a time of unemployment and inflation the government of Canada has brought in a tax-raising inflationary budget that will reduce the growth of jobs in Canada and that will bear with particular severity on the people of this province.

**Mr. Bullbrook:** What about the \$2-billion deficit here?

**Mr. Sargent:** Well, they are not bankrupt.

**Hon. Mr. Davis:** It is a budget that will wash over the prudent and relevant budgets of several of the provinces, including Ontario.

Interjections by hon. members.

**Hon. Mr. Davis:** It is a budget that is inappropriate to the circumstances of Canada.

**Mr. E. W. Martel (Sudbury East):** The Premier's not talking about this Treasurer's fiasco, is he?

**Hon. Mr. Davis:** It is a budget which flies vigorously in the face of the national interest.

**Mr. R. F. Nixon:** This government is behind by \$1.7 billion. How hypocritical can they get?

**Hon. Mr. Davis:** In a number of its elements it also flies in the face of acknowledged facts.

**Mr. R. S. Smith.** Is this a political speech?

**Hon. Mr. Davis.** It asserts a billion dollar cut in federal spending. It asserts restriction of salary budgets in the federal public service. Neither assertion bears scrutiny.

**Mr. R. F. Nixon:** Why doesn't the Premier run for the federal leadership?

**Hon. Mr. Davis:** The minister amended known facts to fit the fictions of the federal government when he asserted:

We are fully conscious of the short-term adverse effects of a sharp increase in the domestic price of oil and natural gas. We are, however, faced with a growing dependence on imported oil. We have to recognize the long-term need to develop new sources of supply in Canada and to promote greater economies in the consumption of these scarce resources.

What is the fact, Mr. Speaker? The fact is that the government of Canada has converted the growing revenues from higher crude oil and natural gas pricing to its own use. It is acknowledged by anyone who has examined the facts that increasing prices does not create incentives which result in the production of additional supplies.

**Mr. R. F. Nixon:** The Premier said that last week.

**Hon. Mr. Davis:** It merely raises the tax and royalty take. I saw what the Leader of the Opposition said last week—

**Mr. R. F. Nixon:** All right. I'll say it again.

**Hon. Mr. Davis:** —and was that ever full of fatuities; I haven't seen a speech anything like it.

**Mr. R. F. Nixon:** He's a great leader.

Interjections by hon. members.

**Mr. R. F. Nixon:** A good negotiator. He bowed and scraped a year ago; now he's making a grandstand play.

Interjections by hon. members.

**Hon. Mr. Davis:** The reference to conservation, in this context, is demagogic. Of course we all favour energy conservation but we don't favour it at the price of further inflation and the further erosion of potential jobs in a time of inflation and unemployment.

Interjection by an hon. member.

**Hon. Mr. Davis:** The reasons given for the oil and gas price increases do not stand up to scrutiny.

**Mr. R. F. Nixon:** The Premier is just running through it again.

**Hon. Mr. Davis:** But, Mr. Speaker, we have no veto over—

**Mr. R. F. Nixon:** Let him tell us what he is going to do.

**Hon. Mr. Davis:** Yes, I know it embarrasses the Leader of the Opposition to no end because he made the fundamental error of supporting that budget.

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, we have no veto over federal government tax policy; no matter how inappropriate that policy.

**Mr. R. F. Nixon:** The Premier is going to let them apply a tax here, is he.

**Hon. Mr. Davis:** It is a sad day when the government of the people of this province must devote its efforts to protect the consuming public in Ontario—

**Mr. V. M. Singer (Downsview):** The Tories never have before.

**Mr. Martel:** They have never protected the consuming public.

**Hon. Mr. Davis:** Well, if members agree when I've finished this paragraph, I will be delighted. Let me state it again.

It is a sad day when the government of the people of this province must devote its efforts to protecting the consuming public in Ontario from the government of Canada's voracious appetites for revenue. Applaud that. Go ahead.

Interjections by hon. members.

**Hon. Mr. Davis:** Why don't they applaud that?

Interjections by hon. members.

**Hon. Mr. Davis:** Where's the member for Kitchener (Mr. Breithaupt)?



Interjections by hon. members.

**Mr. Lewis:** Go ahead, it reads well. Go on. More, more.

**Mr. R. F. Nixon:** Is that the end?

Interjection by an hon. member.

**Hon. Mr. Davis:** I say to the member for Downsview, he will not have heard the end of this budget from Ottawa for several months.

**Mr. R. F. Nixon:** It's a sad, sad day.

**Hon. Mr. Davis:** Mr. Speaker, that day dawned on June 23. Our options are constitutionally limited but we will vigorously utilize those we have.

Today the government proposes to introduce an Act to be known as the Gasoline and Fuel oil Price Freeze Act, 1975.

**Mr. J. E. Stokes (Thunder Bay):** Effective June 23?

**Mr. Lewis:** The Premier knows what that is.

**Hon. Mr. Davis:** Relax.

**Mr. Lewis:** Does he know what that is? That's price control.

**Hon. Mr. Davis:** Which the member opposes.

**Mr. Lewis:** He, the greatest Tory of them all, for price control.

**Mr. Speaker:** Order, please. Order.

**Hon. Mr. Davis:** All over this province the leader of the NDP was opposing it.

**Mr. Lewis:** I don't begrudge it; he is quite a fellow.

**Hon. Mr. Davis:** Mr. Speaker, the bill imposes a temporary freeze on refined petroleum products sold in this province.

**Mr. R. F. Nixon:** Until when?

**Hon. Mr. Davis:** The price fixed will be that prevailing on June 23, subject only to the unavoidable increase due exclusively to the government of Canada's tax of 10 cents a gallon, so enthusiastically endorsed by the Liberal Party of the Province of Ontario.

Interjections by hon. members.

**Hon. Mr. Davis:** The freeze, Mr. Speaker, will be for 90 days beginning at midnight tonight—

Interjections by hon. members.

**Hon. Mr. Davis:** —subject to limited extension—

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Hon. Mr. Davis:** —subject to limited extensions by the Lieutenant Governor in Council if the assembly is recessed or not in session.

**Mr. I. Deans (Wentworth):** Is the government leaving the 10 cents on?

**Hon. Mr. Davis:** This freeze, Mr. Speaker, will ensure that there is no double-ticketing by the oil companies. The consumers of Ontario will not have to pay the five cents a gallon for gasoline or heating oil that will result from the increase of \$1.50 a barrel for crude oil—

**Mr. Deans:** The Premier really is a protector of the consumer.

**Hon. Mr. Davis:** —while any of the inventory of oil purchased at the pre-July 1 price of \$6.50 remains.

**Mr. Deans:** Phoney.

**Hon. Mr. Davis:** Mr. Speaker, I have met with the principals of petroleum companies that merchandise petroleum products in Ontario.

**Mr. J. A. Renwick (Riverdale):** This is the deal the Premier made with them.

**Hon. Mr. Davis:** Well, they didn't. They have explained their problems with respect to cash flow, that the replacement of inventory will mean they must incur additional costs as their inventory of less costly oil is sold. I am not unaware of the legitimacy of some of their concerns. But the wholly legitimate interests of the consuming public must be served. It must be clearly established that all charges made by the oil companies not arising directly from the cost of crude oil itself are justified.

The government of Canada—friends of the Liberal members opposite—proposed a 45-day delay in the introduction of this increase in gasoline and heating oil prices attributable to the increase in the field price of crude oil to \$8 a barrel. My Minister of Energy (Mr. Timbrell) urged the responsible minister in Ottawa to justify the 45-day period or extend it to 90 days. He did neither.

Our national government is evidently so wedded to higher prices for the consumers that, perhaps, it regarded this as a minor and unimportant situation.

**Mr. R. F. Nixon:** The Premier was there last year. What is he going to do about Hydro by the way?

**Mr. P. G. Givens (York-Forest Hill):** Is that what is in the Premier's statement?

**Hon. Mr. Davis:** But as well as the five cents a gallon directly attributable to the increase in the field price of crude oil, the federal government suggests additional charges by the oil companies. The Minister of Energy, Mines and Resources promises us federal guidelines, but given the circumstances we can take little comfort from this prospect. Ontario will tolerate no increases until such time as we are satisfied that the price charged for gasoline at the pumps and the heating oil delivered to our homes is justified.

We see a need for the careful marshalling of relevant facts that will be on hand at the conclusion of the 90-day price freeze. We see a need for the oil companies to explain fully to the consuming public their position and needs in connection with increases in crude oil prices. Therefore, my government proposes to appoint a one-man royal commission to marshal facts and, as necessary, to make relevant recommendations. The Minister of Energy will be announcing the terms of reference.

However, I can say that the commissioner will assess the adequacy of the federal price guidelines as they apply to Ontario. He will form opinions as to fair and reasonable pricing arrangements to apply beyond the 90-day freeze that is proposed by the government. Through monitoring experience over the next three months and analysing the results of the freeze, he will be able to recommend procedures for dealing with any price change—presumably an increase—that the government of Canada may attempt to impose upon the consumer of Ontario next year, or in subsequent years.

Ontario, like other provinces, must endure national policies, no matter how inappropriate they may be. But, in spite of federal initiatives, within the constitutional constraints—

**Mr. R. F. Nixon:** The Premier supported it last year.

**Hon. Mr. Davis:** —we will do everything in our power to protect the consumer of this province, and that is what I have made explicit to the members of this House today.

**Mr. Lewis:** It's pretty tentative, but it's a start.

**Mr. Sargent:** Why doesn't the Premier put his money where his mouth is and take off the five cents he put on?

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

## ENERGY PRICES

**Mr. R. F. Nixon:** Thank you, Mr. Speaker. I would like to ask the Premier, more specifically, why it was that he did not include in his statement, a very strong statement, a position that this government can take with regard to the cost of electricity in this province?

**An hon. member:** He's already explained that.

**Mr. R. F. Nixon:** Surely, if we're going to roll it back on the basis of oil it must be maintained on the basis of hydro.

Interjections by hon. members.

**Mr. R. F. Nixon:** Okay, tell us why not.

**Hon. Mr. Davis:** Mr. Speaker, perhaps my statement today wasn't clear to the Leader of the Opposition—

**Mr. R. F. Nixon:** It was very clear.

**Hon. Mr. Davis:** —as this whole subject obviously is not clear to him; the whole subject is obviously beyond him.

My statement today dealt with oil or petroleum products.

**Mr. R. F. Nixon:** Energy goes beyond oil and petroleum.

**Hon. Mr. Davis:** We've already discussed the application of Ontario Hydro for a rate increase, which is presently under review by the Ontario Energy Board—

**Mr. T. P. Reid (Rainy River):** And that's not inflationary?

**Hon. Mr. Davis:** —and for the Leader of the Opposition to try to draw a parallel is really a red herring and he knows it full well. It is fatuous; it is irrelevant; it just doesn't make any sense—and he well knows it.

**Mr. R. F. Nixon:** That self-satisfied little smirk there comes across—Mr. Speaker, I have a supplementary—

Interjections by hon. members.

**Mr. R. F. Nixon:** Does the Premier not agree that we are concerned with the price of energy in the province and not the price of oil—

Interjections by hon. members.

**Mr. Speaker:** Order, please. The Leader of the Opposition has the floor.

**Mr. R. F. Nixon:** —and that if he's going to be anything but a hopeless hypocrite—

Some hon. members: Right on.

**Mr. R. F. Nixon:** —he will bring forward a bill which directs the Energy Board not to permit an increase in the cost of electricity.

Interjection by an hon. member.

**Mr. J. M. Turner** (Peterborough): That's strike two for the Leader of the Opposition.

**Mr. Bullbrook:** And roll back the natural gas prices.

**Mr. R. F. Nixon:** Will the Premier do that? He is not going to get up on that, eh? Well, a further supplementary—

**Hon. Mr. Davis:** If the hon. Leader of the Opposition will ask a plain question I will try to give him a simple answer. I know that it is almost impossible for him to do so.

**Mr. R. F. Nixon:** I will ask the Premier a simple question and maybe he can handle it. Why does he feel that a 90-day freeze on the cost of heating fuel is going to have any significance in this province, since the heating season doesn't start until the end of September? Is he just concerned with heating his swimming pool? What is the significance of that?

**Hon. Mr. Davis:** Mr. Speaker, unlike the Leader of the Opposition and unlike the Prime Minister of Canada, I don't have a swimming pool; so I'm not concerned about the heating of the swimming pool if that's the question the hon. member is asking.

**Mr. Turner:** That's strike three for the Leader of the Opposition.

Interjections by hon. members.

**Mr. R. F. Nixon:** Mr. Speaker, I would like to put that supplementary to the gentleman again. What is the value of freezing those prices for heating fuel if he's not going to allow it to continue beyond 90 days so that it will have some importance in this province?

**Hon. Mr. Davis:** Mr. Speaker, if the hon. Leader of the Opposition would listen just once and try to understand just once—

**Mr. R. F. Nixon:** Is it just that the Premier wants the election to be over?

**Hon. Mr. Davis:** —we are imposing a 90-day freeze, in the subsequent period of time we are appointing a royal commission to look very precisely at the question of inventory, the \$1.50 and the impact upon the consumer, whether it's gasoline, heating oil or other products that are related to the \$1.50 price increase.

I would only say to the Leader of the Opposition—and I'm trying to offer him a little friendly advice—for heaven's sake, stop apologizing and defending the federal government in what is a very inappropriate budget.

**Mr. R. F. Nixon:** Nobody is apologizing.

**Mr. Speaker:** Does the member for Scarborough West have a supplementary?

**Mr. E. R. Good** (Waterloo North): The people of Ontario—

**Hon. Mr. Davis:** The Leader of the Opposition wants to go down in history—

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): It was a very satisfactory budget.

**Mr. J. R. Breithaupt** (Kitchener): The government cut off \$1 billion of its expenditures—

**Mr. Good:** "Two-billion McKeough."

**Mr. Bullbrook:** Why doesn't the government roll back the gas price?

**Mr. Speaker:** Order, please. The member for Scarborough West has a supplementary question he would like to ask.

**Mr. Lewis:** Mr. Speaker, we have no use for either of them, but we'll wait it out. The Chairman of Management Board (Mr. Winkler) sent me a little note saying: "Tomorrow Is June 23." I just wanted to share that with you.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): It should have said "Tomorrow Is Never Coming."

**Mr. Lewis:** May I ask the Premier, who does he have in mind for the royal commissioner? Has he decided that yet? Or is he saving that for another announcement? Surely



he is not going to turn to the second row of the NDP. There is a limit.

Interjections by hon. members.

**Hon. Mr. Davis:** It would be less than honest if I said the government did not have somebody in mind. But the government is not prepared to announce the name of that person today. I expect it will be in a day or so.

Interjections by hon. members.

**Mr. Lewis:** I take it what the Premier is actually doing, stripped of the rhetoric, is simply running out the inventory that he knows the major oil companies have, without any further commitment until he hears from the royal commissioner on price freeze or price levels of any kind. Fair? May I ask the Premier then, by way of supplementary: Why does he not use this opportunity—can I ask him to consider this—to recover from the oil companies the \$62-million windfall they made last year when they raised their prices before their inventory was exhausted—

**Mr. Martel:** This government did that.

**Mr. Lewis:** by extending the 90 days to 120 or 130 days—or more, in fact, it would be; well toward the end of 1975—so that we could recapture for the consumers of Ontario what he allowed the oil companies to extort last year?

**Hon. Mr. Davis:** Mr. Speaker, of course the hon. leader of the New Democratic group is lumping—

**Hon. Mr. Grossman:** The NDG—"No Damned Good."

**Mr. Lewis:** What about a corporal's guard or something? Why is the Premier so kind?

**Hon. Mr. Davis:** Listen, who is going to win on the weekend?

**Mr. J. F. Foulds (Port Arthur):** The chosen few.

**Hon. Mr. Davis:** Mr. Speaker, I don't want to get into a lengthy debate on the intricacies of oil pricing, or to appear to be explaining what is a problem for the oil companies, in terms of, as the member would phrase it, windfall profits. The fact of the matter is that the oil companies, on the basis of existing accounting procedures and tax laws, are being taxed at probably 50 per cent on their inventory as of July, on the increased price, for which they get nothing back from the consumer. Yes, the member for High Park is

looking askance, but let him check it out and I think he will find that that is factually true.

I think it's also very unwise to couple all seven companies into exactly the same position, as we understand it. Of course, this is something the commissioner will be looking into. The inventory supplies vary from company to company. They vary from, say, 20 days in the case of one or two, to something like 90-plus in the case, I think, of one. So, to say that all of them had made a profit or were in the process of doing so is not factually correct.

I would suggest, Mr. Speaker, that this is one function of the royal commission where the public, the oil companies and all of us will have an opportunity to get a greater understanding and factual information as they relate to this part of the matter that the commissioner will be studying.

**Mr. Martel:** It would have been nice if the Premier had done that last year.

**Mr. Speaker:** The member for Sarnia.

**Mr. Bullbrook:** I have a supplementary. If this House and the people of Ontario are to accept even a semblance of integrity of motivation in the Premier's statement, could he explain to me, having regard to the fact that the inflationary spiral has been with us for many months, why he didn't stop the increases in the rate structure of the natural gas distributing companies in this province?

Secondly, if the Premier is so sincerely motivated to assist against inflation, why doesn't he roll back those increases now, concurrent with the freeze that he put on?

**Hon. Mr. Davis:** Mr. Speaker, whatever increases have been passed onto the consumer by the distributors of natural gas here in this province, are all subject to hearings by the Ontario Energy Board. They may be judgments, but they related to legitimate cost increases on the part of the distributors. The system has worked relatively well. Sure, we'd love to have a lower increase in costs, but a good part of the increase that we are talking about here today comes strictly from taxation by the two levels of government and the two producing provinces, and by the member's federal colleagues.

**Mr. Bullbrook:** If I may—recognizing that the Premier didn't want to answer my first question directly—is it not a fact that the Energy Board, in evaluating the propriety or otherwise of an increase in rate structure does not look into the question of its inflationary tendencies on the economy, but purely, as is

what the Premier has said, it only looks as to the cost of production and distribution? Their entitlement to an increase has nothing to do with the economy.

May I ask again: Please, if we are to accept any sincerity of motivation—other than the most crass political motivation—why does he not roll those back now? Why did he not intervene at that time?

**Hon. Mr. Davis:** Mr. Speaker, I'm sure the member for Sarnia is really—well, no, I won't say it—he knows full well the function of the Ontario Energy Board. He knows full well how it operates and he knows it relates to the costs the companies have in provision of their product, from the west or wherever, and their own costs in terms of distribution.

The Energy Board, Mr. Speaker, has not been used as an instrument as it relates to inflation or non-inflation. This is a very real distinction between that and the increase of \$1.50 a barrel which is totally a tax increase in the hands of the federal government.

**Mr. Bullbrook:** It is a distinction the Premier can overcome.

**Mr. Speaker:** The member for High Park.

**Mr. Bullbrook:** The Premier sees what is happening. When we get down to the gut issues he sees what happens. I am not allowed to ask these things.

**Mr. Speaker:** The member for Sarnia has had two supplementaries; the member for High Park would like a supplementary.

**Mr. Bullbrook:** It shows the hypocrisy of this Premier.

**Mr. Shulman:** Is it reasonable to expect the royal commissioner to be able to report within 90 days?

**Hon. Mr. Davis:** Yes, Mr. Speaker, we believe it is.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** Mr. Speaker, I wonder if the Premier could tell us, in view of his rather unhappy view of the federal budget—

**Hon. Mr. Grossman:** Isn't it the member's?

**Mr. Singer:**—and in view of the statements which say the Ontario budget was dependent upon level oil prices, when we are going to see the new Ontario budget, the recasting of the amount of the deficit—presently above \$1.7 billion—and the recasting of the amount of expenditures? Could he tell us when the

people of Ontario are going to get the true Ontario picture?

**Hon. Mr. Davis:** Mr. Speaker, I can only say that whatever is determined by this government will recognize, as it has, the two main problems facing the people of this province and, I say with respect, the people of this country, which we dealt with in the budget by the Treasurer. Those are inflation and unemployment, the need to stimulate the economy and the need to restrain inflation—

**Mr. Singer:** I asked the Premier when he was going to bring us a revised budget.

**Hon. Mr. Davis:**—the two main items which were totally neglected in the federal budget. I expect the hon. member will recall my statement of last week that the Treasurer of this province is assessing the federal budget, its impact—

**Mr. Singer:** Aren't his 10 days up today?

**Hon. Mr. Davis:** No. As a matter of fact, if the member for Downsview will take both hands and count on all 10 fingers, he will find the date is tomorrow.

**Mr. Singer:** Tomorrow? A supplementary.

**Mr. Speaker:** The hon. member for Cochrane South with a supplementary.

**Mr. Singer:** Can't I have a second one. Mr. Speaker?

**Mr. Speaker:** The hon. member for Cochrane South.

**Mr. Singer:** Everybody else has two supplementaries and you are cutting me off.

**Mr. Speaker:** The hon. member for Cochrane South has a supplementary.

**Mr. W. Ferrier (Cochrane South):** Mr. Speaker, I wonder if the Premier would tell us if, in the terms of reference of the commissioner, he will ask him to consider the differential in gas prices between northern and southern Ontario, to see if there might be a way of equalizing those prices for the consumer?

**Hon. Mr. Davis:** Mr. Speaker, I can't give that undertaking. We recognize there is a differential. I think that really the commissioner—and I acknowledge this—will have his hands full in dealing with the basic question of the position of the oil companies and the application of the \$1.50 per barrel or what may be imposed by the federal government somewhere down the road.

I don't minimize the concern of the hon. member. It has been expressed by members of our caucus from northern Ontario, but I can't give that undertaking. I don't think there would be time to assess that. I think his main function will have to relate to the issues I have suggested.

**Mr. Martel:** The Premier has had a long time to resolve that one though, hasn't he?

**Mr Foulds:** A supplementary.

**Mr. Speaker:** If there is not one from the official opposition? The member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Speaker. Did the Premier not say in his statement that it was the responsibility of the commissioner to investigate and to make recommendations to the government with regard to pricing policies on oil and gas? Surely, within that, it is the responsibility of the commissioner to examine the differential between north and south and see if there is, as there undoubtedly is, unjustified extortion from the northern consumer?

**Hon. Mr. Davis:** Mr. Speaker, as I say, I am not minimizing the problem. I am being realistic. I would say that, certainly at the outset, the commissioner will have his hands full. I acknowledged to the member of High Park it is not going to be easy, but we think it can be done. Initially, his main task will be to sort out the position of the companies, the implications of the \$1.50, and I think recommendations that will flow from that. I have to say that I think that will have to be his initial responsibility. In any event it obviously will have an impact on the north.

**Mr. Speaker:** There have been sufficient supplementaries. The Leader of the Opposition with a new question.

### ENERGY PRICES

**Mr. R. F. Nixon:** I would like to put a question to the Minister of Energy. Has there been a procedure worked out so that the smaller oil companies which will not have a supply of oil at the old price on hand will not be forced to undergo a larger net loss of revenue by the imposition of this freeze? Is there some procedure whereby the smaller companies are not going to be—

**Mr. Stokes:** Such solicitude.

**Mr. Lewis:** Heart-throbbing.

**Mr. R. F. Nixon:** They can throb away.

**Mr. Foulds:** What is the member after—a management rights clause?

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, I think that question really should wait until the bill has been introduced by my colleague, the Minister of Consumer and Commercial Relations (Mr. Handleman).

**Mr. Lewis:** Presumably he makes exceptions for Home Oil, Imperial Oil.

**Mr. Speaker:** Further questions? The Leader of the Opposition.

**Mr. R. F. Nixon:** The minister can make no statement on the information that we've been reading today that the stores on hand vary quite dramatically from one company to the other?

**Hon. Mr. Timbrell:** Mr. Speaker, what I am saying—

**Mr. R. F. Nixon:** Surely, in a circumstance like this, the minister is concerned, as are we all, with equity?

**Hon. Mr. Timbrell:** Mr. Speaker, I indicated that when my colleague, the hon. Minister of Consumer and Commercial Relations, introduces the bill, once we reach orders of the day, that question should more properly be put following that, during debate. The answer will be evident in the bill.

### LAND SPECULATION TAX EFFECTS

**Mr. R. F. Nixon:** I would like to ask a question of the Minister of Housing. Are we to expect a repeal of the land speculation tax before the House rises, or a statement of policy with regard to it? The minister feels—and I think very correctly—that the imposition of that tax has dislocated the housing market. According to one statement he has made, he is looking forward to its removal or placing it in a moratorium situation.

**Hon. D. R. Irvine (Minister of Housing):** Mr. Speaker, I am not aware of the statement the member is referring to. I don't believe that it is correctly reported.

**Mr. R. F. Nixon:** If I may, Mr. Speaker, a supplementary: Is the minister not aware of the report in Canadian Building of June, 1975? I quote from it: "The province's Housing minister, Donald Irvine, stated in an interview published that the speculation tax may be rescinded or a moratorium may be placed on it for an indefinite period." That's a direct quote.



**Hon. Mr. Irvine:** Mr. Speaker, I certainly spoke to the housing association. What I said was that there may be a time when the land speculation tax can be removed. I didn't think that time had come at the particular time I made the statement, nor do I at this particular time.

**Mr. R. F. Nixon:** Supplementary: Is it that the minister was trying to convey to those people in a confidential way that he was something less than in support of the imposition of that tax, whereas maintaining the public front that is necessary, since it clearly states that the minister said that the tax was on its way out? Those are the minister's words.

**Hon. Mr. Irvine:** No, Mr. Speaker, that is not what I said, nor what I have said in the past. The land speculation tax has a real purpose to play—

**Mr. R. F. Ruston (Essex-Kent):** Somebody else must have said it.

**Hon. Mr. Irvine:** —to control the cost of lands. I support the tax fully. It has stopped the escalating prices of land in the more urbanized areas, and as far as I am concerned it has helped housing to be developed and has worked.

#### GOVERNMENT ADVERTISING PROGRAMMES

**Mr. R. F. Nixon:** I would like to ask the Chairman of the Management Board why it is that, in the answers to the questions yesterday, he was not able to include an answer to the question on the costs of the advertising programme, which he said at the time would be available on short notice if the question would just be put on the order paper?

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** I said on a previous occasion that I don't prepare the answers to the questions that come back to be tabled. If there is a specific there that the member wants, I'll endeavour to get it for him.

**Mr. R. F. Nixon:** Supplementary: Since the minister was good enough to tell us that the costs of the committee on the costs of education in the elementary and secondary schools was \$656,000, and that it has not finished its final report yet, could he not at the same time have gotten us the cost of the advertising programmes which the government is undertaking this year, in this election year? Does he recall saying to the House, when this

was raised in the question period, that all he had to do was put that on the order paper and the answer would be prepared without delay?

**Hon. Mr. Winkler:** Yes, I will have that looked into, and if the total information is not there I'll see that it's made available.

**Mr. Speaker:** The member for Scarborough West.

#### ENERGY PRICES

**Mr. Lewis:** I'd like to come back to the Premier for a moment, if I could. Since his statement declared that the excise increase of 10 cents a gallon and the \$1.50 increase were both taxes imposed by the federal government—effectively taxes imposed by the federal government—why does he choose to protect the consumers on a temporary basis from the smaller tax but allow the larger tax to be applied? Why does his freeze not apply in advance of the 10 cent excise tax and roll that back as well?

**Hon. Mr. Davis:** I think the answer to that is relatively simple, Mr. Speaker. The 10 cent tax is on a wholesaler. It was on distributors who may or may not be large companies. It would impose very severe financial hardships on some of the smaller distributors. It is tax payable immediately by the companies themselves. It is quite different in terms of its application in respect of inventory and what have you, from \$1.50 a barrel. It is not possible to treat it in the same way. It is a direct tax by the federal government of 10 cents a gallon which reflects itself on the consumer, but it is not the same as the \$1.50 per barrel.

**Mr. Lewis:** To producers.

**Mr. Deans:** But it is still—

**Mr. Lewis:** I understand it is a different form of tax. It is a specific federal tax. Since the Minister of Energy has indicated already, by implication, that there will be exclusions or exceptions in the bill which will be introduced today to protect the smaller inventories, why can he not make the same exclusions and exceptions for the smaller distributors or producers where the excise tax was concerned? Why can he not give to the royal commissioner at the end of 90 days the right to review the whole pricing system, including the additional 10 cent excise tax, rather than having everyone pay that for the next three months?

**Hon. Mr. Davis:** Mr. Speaker, I won't even get into the constitutionality of that argument but I have to state there is a very distinct difference between the \$1.50 crude oil price increase and the direct 10 cents excise tax imposed by the federal government as of a week ago Monday night. There is a very real distinction, and there is no way we can deal with that in terms of what we are doing under the Act that will be introduced in 15 or 20 minutes.

**Mr. Deans:** That's fine; bring in another Act.

**Mr. R. F. Nixon:** A supplementary: Just so there is no misunderstanding, the consumers need not expect that 10 cents is going to be rolled back by the introduction of this bill or its passage?

**Mr. L. C. Henderson (Lambton):** The Liberals can take the blame for it.

**Mr. C. E. McIlveen (Oshawa):** The member for Brant shouldn't try and protect Pierre.

Interjections by hon. members.

**Hon. Mr. Davis:** My statement made that abundantly clear. The 10 cents will be paid, unfortunately, by the consumers of this province because of a very tax-hungry federal government in Ottawa.

**Mr. Renwick:** Because of the default of this government.

**Mr. Speaker:** The hon. member for Scarborough West.

**Mr. Lewis:** A supplementary.

**Mr. R. F. Nixon:** We have got the right to impose that.

Interjections by hon. members.

**Mr. Lewis:** The Premier will concede, however, that the tax applied by the federal government, the excise tax, is not applied to the consumer—the only reason it is applied to the consumer by the companies is the default of his government; he understands that?

Some hon. members: No.

**Mr. Deans:** Yes.

Interjections by hon. members.

**Hon. Mr. Davis:** That is not so.

**Mr. Deans:** There is no protection for the consumer.

**Mr. Lewis:** All right, let me ask the Premier another thing.

Interjections by hon. members.

**Mr. Lewis:** Would it not be possible—I submit it would be possible—to pass an Act today—

**Mr. Renwick:** And they go—

**Mr. Lewis:** —putting a 90-day freeze on the application of the excise tax as of June 23, until he decides what to do with it? That is within provincial jurisdiction.

**Hon. Mr. Grossman:** Come on.

**Hon. Mr. Davis:** With great respect, that is payable. I don't know what the terms of the federal government are or when they have to pay it; the tax is being calculated now—

**Mr. Deans:** It is payable, but not at the retail level.

**Hon. Mr. Davis:** —by the federal government and it will have to be paid. We have no way of dealing with it; we can't deal with it.

**Mr. Renwick:** He is letting it be passed on.

**Mr. Speaker:** The member for High Park has a supplementary.

**An hon. member:** Let's have some order here.

**Mr. Shulman:** Will the Premier concede that even with the new 10-cent federal tax, the tax on gasoline imposed by the federal government is still less than the tax imposed by his government?

**Hon. Mr. Davis:** Mr. Speaker, I am quite prepared to concede that; just as some of our taxes are less than the federal government's.

**Mr. Lewis:** He is right.

**Hon. Mr. Davis:** I think that is very obvious. I am surprised the member for High Park would find it necessary to ask the question.

**Mr. Shulman:** It may not be obvious to everyone else.

**Mr. Henderson:** Look at all the roads we build.

**Hon. Mr. Davis:** It doesn't alter the situation that the federal government has imposed an unnecessary tax of 10 cents a gallon. If they want to encroach on provincial revenues even further—which apparently they are in the process of doing—the centralist from Sarnia, as I read the paper, is totally in support of that kind of approach which is in direct conflict to what his leader says from time to time—but then he is in conflict with what he says from time to time.

**Mr. Bullbrook:** Does the Premier want to debate that with me?

**Hon. Mr. Davis:** The answer to the member for High Park's question is yes. I know that it is.

**Mr. Bullbrook:** I am prepared to. He should name a time and place. I am prepared to.

**Mr. Speaker:** The member for Scarborough West with a new question.

**Mr. Lewis:** Yes, I want to come back briefly—

**Mr. Singer:** Roberts used to be a bit of a centralist too.

**An hon. member:** Yes, John Roberts—

**Mr. Speaker:** Order, please. The member for Scarborough West has the floor.

**Mr. Lewis:** Could I ask the Premier—

**Mr. Singer:** Back in the days before Confederation for tomorrow.

**Mr. Lewis:**—since he has obviously placed the 90-day freeze to coincide with the inventories—that's obviously what the Premier is doing, more or less—and since he has therefore accepted the principle of exhausting inventories, and although we will come back to it on second reading, can I ask the Premier to review again, therefore, to be consistent and logical with his present position, the situation last year where ironically there were 75 days of inventory—I have now got the figures in front of me—available to the oil companies which they attached the additional costs in advance—that's beyond the 45 days—and it would therefore make it unnecessary to increase prices in Ontario before Jan. 1, 1976, if the Premier were to recapture for the consumers what the oil companies took last year.

**Mr. Martel:** And he defended it then.

**Mr. Lewis:** Since the Premier has accepted the principle, why doesn't he make it consistent and truly protect the consumer?

**Mr. Martel:** And he defended it last year.

**Hon. Mr. Davis:** Mr. Speaker, I guess we could spend the whole afternoon debating fact or points of view which may or may not be totally accurate. I just don't think any purpose would be served.

**Mr. Martel:** No, no.

**Mr. Foulds:** Yes, because the Premier would lose.

**Hon. Mr. Davis:** The Minister of Energy will be spelling out the terms of reference for the commissioner, and if the leader of the New Democratic organization, group, party, or corporal's guard, or whatever term he may wish to use, wishes to make observations then that would be great.

**Mr. Speaker:** I think we have had sufficient supplementaries on this particular subject. A new question please.

**Mr. Lewis:** We are an institution in this province, Mr. Speaker, let alone a group.

**Mr. Foulds:** Or a corporal's guard.

**Mr. Lewis:** Don't characterize it.

Interjections by hon. members.

**Mr. Lewis:** Where did the Minister of Health (Mr. Miller) go?

**An hon. member:** He got sick.

**Hon. Mr. McKeough:** He's gone out to call an ambulance for the Leader of the Opposition.

**Mr. Lewis:** We will act as stretcher-bearers if he gets the vehicle.

**Mr. R. F. Nixon:** I will survive, but I don't think the Treasurer will.

**Mr. Singer:** Fatuosity isn't mentioned.

**Mr. Lewis:** May I ask the Minister of Labour a question?

Interjections by hon. members.

**Mr. Lewis:** I understand the Leader of the Opposition had 40 people in Chatham a couple of weeks ago.

**Mr. R. F. Nixon:** That should be enough to do it.

**Mr. Speaker:** Order, please. Would the member for Scarborough West like to place his question?



**Mr. Lewis:** I had 17.

Interjection by an hon. member.

**Mr. Lewis:** May I ask the Minister of Labour, how is it—

**Mr. Good:** Just the executives of the riding associations.

Interjections by hon. members.

**Mr. Lewis:** I am sorry, I apologize. Let me ask the question.

#### ASBESTOS LEVELS AT CANADIAN JOHNS-MANVILLE PLANT

**Mr. Lewis:** How is it that on May 6 last when he announced, as part of his team that included Health and Natural Resources, the efforts to inform people who were partially disabled as a result of silicosis or asbestosis of their right to move to another job and to be removed from that working environment, and not a single partially disabled person at Johns-Manville has been informed of the government decision and the decision followed up?

**Hon. J. P. MacBeth** (Minister of Labour): Mr. Speaker, I am not sure just what check was done at Johns-Manville. Our main concern, of course, was up at Elliot Lake, where we have already moved in there. Dr. Stewart and the team have been up interviewing the people at that point, and it depends on the record of these people and what we find. It is going to take a little time to do it. Elliot Lake is the first one that we are working on.

**Mr. Lewis:** By way of supplementary, is the minister aware that there are now 69 active and sought-after compensation claims for partial disability from Johns-Manville and that, in fact, there was a death in April, a death in May, a death in June, and that the list continues to climb at that plant with no discernible intervention on the part of the government? Can I ask the minister to move on Johns-Manville as well?

**Hon. Mr. MacBeth:** Mr. Speaker, if the member is referring to moving on what we may be able to do, yes, certainly—

**Mr. Lewis:** Taking the men out of the plant.

**Hon. Mr. MacBeth:** We have already moved as far as the conditions in the plant at Johns-Manville are concerned.

**Mr. Martel:** What about the WCB?

**Hon. Mr. MacBeth:** As for the other things that the member is asking us to do, yes, we will get at those as quickly as we can.

**Mr. Lewis:** I want to ask the Minister of Health a question as a follow-up to that. Why is it that the most recent tests of the dust levels at Johns-Manville have not been posted? Secondly, does the minister know that the union is about to launch a suit against the company, that the x-ray records of over 100 men have been requisitioned and that one of the physicians who requisitioned them has indicated to the union that the abnormalities in the x-rays turned up in individual cases several years before the men were notified; and can I ask the minister why the union should have to pursue negligence in the law, rather than the government asking for the x-rays from these various companies and seeing whether there was a negligent act committed?

**Hon. F. S. Miller** (Minister of Health): Mr. Speaker, I wasn't aware the union was taking an action against the company. I did look into the testing procedures the member talked about yesterday and found that in fact our results were back very promptly to the physicians. Yesterday the member referred to the x-ray tests taken in June, 1974, and asked why it took a year for the men to get them.

**Mr. Lewis:** Yes.

**Hon. Mr. Miller:** I have been informed that the plant doctor was aware of them very quickly.

I will look into the fact that the latest tests haven't been posted. I am quite sure they will be. I found the company quite willing to post them, and the union corroborated that fact when I was out there.

The member will recall our having an exchange on the floor of the House on this once before, when I said the test results were being posted and the member said they were not being posted. I was challenged the next day by the president of the union in Oshawa. He claimed they were not being posted. I couldn't deny his statement because I didn't personally know; and yet the very next day—the very next day—when I visited that firm in company with the Minister of Labour and the social policy field chairman, I asked that same leader whether the company was posting those requirements and he said they were. He said that privately, and publicly he said they weren't.

**Mr. Lewis:** None of the recent tests were posted.

**Hon. Mr. Miller:** So before I accept the fact they aren't being posted, I would like to find out.

**Mr. Speaker:** The Minister of Housing has an answer to a question asked by the member for Scarborough West on June 22.

**Mr. Lewis:** I would like to defer that since time is going. Could I take that answer another day?

**Mr. Speaker:** Well that's up to the minister. Does the minister want to answer the question today or leave it?

**Hon. Mr. Irvine:** No, it's all right.

**Mr. Speaker:** The hon. member for Grey-Bruce.

#### MEAT LABELLING

**Mr. Sargent:** Mr. Speaker, a question of the minister of resources—is that the member for St. Andrew-St. Patrick's job?

**An hon. member:** Resources Development.

**Mr. Sargent:** Resources Development.

**Hon. Mr. Grossman:** What's the member's job?

**Mr. Sargent:** Seeing the provincial secretary is pinch-hitting for the Minister of Agriculture and Food (Mr. Stewart)—is he?

**Hon. Mr. Grossman:** Am I?

**Mr. Speaker:** Would the member ask his question? We have only 11 minutes of the question period left.

**Mr. Sargent:** Mr. Speaker, in today's paper there is a variance in prices of steaks from 79 cents a pound to \$1.38 a pound; I would like to ask the minister what protection we have that we are getting steaks from cows or steers; and secondly, why doesn't the government take steps—

Interjections by hon. members.

**Mr. Sargent:** I know it's funny to the ministry, but the House might think it's important anyway—why doesn't the government take steps to have it marked clearly exactly what's in the package one gets?

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Has the member ever heard of federal labelling laws?

**Hon. Mr. Grossman:** Mr. Speaker, I don't know why the hon. member is so worried about whether I can answer questions related to agriculture and farming generally. He must appreciate the fact—and I am sure most hon. members do—that I was the biggest farmer in Ontario for almost eight years—

**Mr. Reid:** He is now the biggest manure farmer.

**Hon. Mr. Grossman:** —I really know the answers to these questions. So, Mr. Speaker, I will take that as notice and get an answer for the hon. member.

**Mr. Speaker:** The member for Windsor West.

#### BOILER INSPECTION AT TILBURY PLANT

**Mr. E. J. Bounsall** (Windsor West): A question of the Minister of Consumer and Commercial Relations, Mr. Speaker: Would the minister ensure that his boiler inspection branch inspects the coal-fired boiler at Telso Products Ltd. in Tilbury, a company which has been on strike for some 10 months? The boiler, I gather, has now been in operation for some two months. Would the ministry inspectors examine the installation to see that it is safe to operate and is declared fit for operation after an eight-month layoff?

**Hon. Mr. Handleman:** Mr. Speaker, I will certainly check into that to see if it's done. I assume my hon. friend will ensure the inspector is allowed to cross the picket line.

**Mr. Speaker:** The member for Sarnia.

**Mr. Bounsall:** Supplementary, Mr. Speaker.

**Mr. Speaker:** Supplementary.

**Mr. Bounsall:** Yes, I am sure that can be arranged if it's necessary. A supplementary on that: Would the minister also see that a qualified engineer is operating that boiler now that it is back in operation; and that he is there continuously, as the Act requires for that kind of a boiler?

**Hon. Mr. Handleman:** Mr. Speaker, I will take every step possible to ensure the Act is being complied with.

**Mr. Speaker:** The member for Sarnia.

#### BILL OF RIGHTS

**Mr. Bullbrook:** I have a question of the Attorney General. Is the Attorney General

aware of the comments I made on April 7 in Hansard, page 585, when I showed my strong centralist tendencies by pointing out that, in my opinion, the Attorney General should take issue with the Minister of Justice at Ottawa in connection with the deprivation of the rights of due process of law outlined in Article 1 of the Bill of Rights?

Has the minister developed a policy in connection with this matter, concurrent with the private bill put forward in the House of Commons by the Rt. Hon. John Diefenbaker? Could he expostulate for us today as a matter of policy as our Justice secretary whether he agrees with the concept as expressed by me that day that nobody should be deprived of due process of law as contemplated by the Bill of Rights, as has been done by the Supreme Court of Canada? And would he communicate that policy, if he so has it, to the Minister of Justice for the protection of the people of Ontario?

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Speaker, I'll be glad to make my observations known to the hon. member. I think his colleague from Downsview asked a similar question yesterday. I just take the position right now, without having all of the facts before me as I haven't seen the private member's that Mr. Diefenbaker introduced—

**Mr. Bullbrook:** I am not asking about the bill; he asked that yesterday.

**Hon. Mr. Clement:** Yes, he asked that yesterday and I undertook to take a look at that bill and I think I must take a look at that bill.

**Mr. Bullbrook:** On a point of order, I have to clarify it. I'm not asking about Mr. Diefenbaker's bill. I want to put it to the Attorney General, again if I may, so that I'm not misunderstood, has he developed a question of policy, being the Provincial Secretary for Justice, that a person is entitled to due process of law, as prescribed in Article 1 of the Bill of Rights, and is seemingly deprived of it in the Morgentaler decision? That's all I'm asking. It is not about Diefenbaker's bill at all. Does the Attorney General agree that there should be due process all the way through?

**Hon. Mr. Clement:** Mr. Speaker, not only I but my predecessors ahead of me believe in the due process of justice. There's no question about it.

**Mr. Bullbrook:** Would he then communicate, for the protection of the people of Ontario—

**Hon. Mr. Clement:** The member is talking about Quebec though. They'll look after their own. I'll look after Ontario.

**Mr. Bullbrook:** Does he realize the Supreme Court decision obtains in Ontario as well as Quebec? Surely he is that familiar with the principle? I'm asking the minister if he would communicate—

**Hon. Mr. Clement:** I remember it.

**Mr. Bullbrook:** But I obviously remember it a little more than the minister does. That's the distinction.

Interjection by an hon. member.

**Mr. Bullbrook:** Would the Attorney General communicate that desire for protection to the Minister of Justice in Ottawa? That's all I'm asking.

**Hon. Mr. Clement:** I take it, Mr. Speaker, the hon. member wants me to use whatever political persuasion I have on his colleague in Ottawa to override the Supreme Court of Canada?

**Mr. Bullbrook:** No, not at all. One final supplementary; So that the Attorney General understands fully, I want him to write a letter that's headed on top, "Attorney General of Ontario to the Minister of Justice", saying he wants that protection for our people. That's what I want.

**Mr. Speaker.** The member for Port Arthur.

**Mr. Bullbrook:** I am sorry for that centralist attitude.

## HOUSING IN THUNDER BAY

**Mr. Foulds:** Is the minister aware that in April in Thunder Bay there were no bachelor apartments or three-bedroom apartments available at all and only 20 one-bedroom apartments at an average price of \$189 a month? Can the minister tell us what steps his ministry is developing to overcome these deficiencies in places in Ontario like Thunder Bay?

**Hon. Mr. Irvine:** Mr. Speaker, when I was in Thunder Bay two or three times earlier this year, I did go into the matter of housing accommodation on all levels, whether it was the private sector or government-financed, and I did find that Thunder Bay has more government units than most communities in Ontario. We have also initiated certain steps to provide further senior citizen accommoda-



tion, rent-geared-to-income accommodation. I would hope that there would be a HOME development before long.

**Mr. Foulds:** Supplementary, Mr. Speaker: Just so the minister doesn't misunderstand, these are not government units that I'm talking about; these are private units. I would like the minister to outline what step he can take or what initiatives his ministry is taking to encourage production in that section.

**Hon. Mr. Irvine:** Mr. Speaker, I thank the member for clarifying that. I thought he meant government units. What we are doing to have the private sector provide some rental accommodation is have our limited dividend programme, the elderly programme, effective in Thunder Bay. In the second call, we've already gone out with another \$50 million. I expect there will be other funds available in the not-too-distant future for other rental accommodations throughout Ontario and I would ensure that Thunder Bay was included.

**Mr. Foulds:** Could the minister project how the units would be developed under the limited dividend programme as it applies to Thunder Bay now?

**Hon. Mr. Irvine:** Mr. Speaker, at the present time we have 4,000 units under the LD programme, and we may have an additional 2,000 units.

**Mr. Foulds:** In Thunder Bay?

**Hon. Mr. Irvine:** No, no. All over Ontario.

**Mr. Speaker:** The member for Rainy River.

## PRICES IN NORTHERN ONTARIO

**Mr. Reid:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Is the ministry still monitoring prices in Northern Ontario? And if so, does the minister have a report for the Legislature?—as I asked him for some months ago—that would indicate the differential in prices to the consumer of all the range of consumer goods, as opposed to prices in Southern Ontario?

**Hon. Mr. Handleman:** The monitoring has been completed. A report has been prepared. Since it covers a great deal more than simply monitoring of prices, I think I would have to go through it and perhaps do a selective job on distributing to the members the information contained therein. Much of it is factual and much of it will form the

basis of an announcement to be made in northwestern Ontario, I would think some time next month.

**Mr. Reid:** If I may, by supplementary, do I gather that the report as it exists now will not be made public? Does that mean an annotated report will be made public?

**Hon. Mr. Handleman:** Mr. Speaker, it's an internal report from a member of the ministry staff to me, and I will try to make available to the hon. member such statistical data as may be of assistance to him.

**Mr. Reid:** One final supplementary, if I may: Can the minister indicate if within that report the cost of home heating oil and gasoline makes up part of the price? And will this be an ongoing thing? Because the price of gas, for instance, in Ignace is 91 cents a gallon today.

**Hon. Mr. Handleman:** I don't recall the detail of the report. If that information is in there, certainly it can be made to the member.

**Mr. Stokes:** Did that inquiry include the cost of premiums for automobile insurance?

**Hon. Mr. Handleman:** Mr. Speaker, I would have to check the report. As I say, I will make the statistical data available to all interested members.

**Mr. Speaker:** The member for Sandwich-Riverside has a question.

## ELDORADO DUMP AT PORT HOPE

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, I have a question of the Minister of the Environment concerning complaints about Eldorado Atomic Ltd. and its disposal dump at Port Hope. What is the ministry doing in reply to complaints, first, that there is inadequate fencing; second, that there is inadequate warning signing; and, third, that wastes are being left on the ground to dry out and blow away instead of being buried at this site?

**Hon. W. Newman (Minister of Environment):** Mr. Speaker, of course, Eldorado is the responsibility of the government of Canada. We have been in touch with the federal environmental people, who are investigating it right now. We are in constant contact with them about it, pointing out our concerns to them.

**Mr. Burr:** Does the minister agree that a public investigation should be held on this matter?

**Hon. W. Newman:** Mr. Speaker, this comes under the jurisdiction of Mme. Sauve, the federal Minister of the Environment. That ministry is looking into the matter right now and investigating the whole matter. We are keeping in close touch with them on it. I have no way of calling for an inquiry on it; it's a federal matter.

**Mr. Speaker:** The member for Grey-Bruce. This will be the last question.

### NIAGARA ESCARPMENT PROPERTY CONTROLS

**Mr. Sargent:** Mr. Speaker, a question of the Minister of Housing: How does the new policy allowing severances from farm property apply, and how will it affect all the areas controlled by the Niagara Escarpment Commission?

**Hon. Mr. Irvine:** The area controlled by the Niagara Escarpment Commission does not fall under the same guidelines as I announced some weeks ago. The Niagara Escarpment Commission will rule on the development in the Niagara Escarpment planning area. If an application is turned down, a hearing will be set up by myself, as the Minister of Housing, and recommendations will be made to the Minister of Housing, at which time the application will be dealt with, either yes or no.

**Mr. Sargent:** Supplementary, Mr. Speaker: In view of the fact that the controls are so bad that you almost have to get an application to mow your lawn now in this whole area, why can't the ministry relax the severances in the Niagara Escarpment, the same as it has here?

**Hon. Mr. Irvine:** Mr. Speaker, I think it would be irresponsible to relax it entirely in the Niagara Escarpment area, where we are trying to preserve a very unusual type of land. I think it would be very important that we reserve it to the ultimate if possible but we can't have all development stopped and I have said that before. We will allow certain developments and they will be judged on their merits only so we can allow severances to go ahead as we have said we would in other areas.

**Mr. Speaker:** The question period has expired.

Petitions.

Presenting reports.

Hon. Mr. McKeough presented the report of the Ontario Junior Farmer Establishment Loan Corp. financial statements and report on the audit for the year ended March 31, 1975, and the 1974 report of the Ontario Municipal Employees Retirement System.

**Mr. Speaker:** Motions.

Introduction of bills.

### PETROLEUM PRODUCTS PRICE FREEZE ACT

Hon. Mr. Handleman moves first reading of bill intituled An Act to provide for an Interim Freeze in the Price of Certain Petroleum Products.

Motion agreed to; first reading of the bill.

**Hon. Mr. Handleman:** Mr. Speaker, the bill imposes a temporary freeze on prices charged for petroleum products sold in Ontario and used for heating or operating vehicles.

The price fixed is that prevailing on June 23, 1975, subject only to increases due to changes in the federal excise tax. The freeze is for three months, subject to limited extension by the Lieutenant Governor in Council if the assembly is recessed or not in session.

### POUNDS AMENDMENT ACT

Hon. Mr. Winkler moves first reading of bill intituled An Act to Amend the Pounds Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, the prohibition against certain animals running at large in territories without municipal organization is extended to all cattle, horses, sheep and goats. The maximum fine for contravention of the prohibition is increased from \$10 to \$30 and there is no minimum.

**Mr. Speaker:** Before the orders of the day I beg to inform the House that the Honourable the Lieutenant Governor will proceed to her chambers this afternoon at 5:30 for the purpose of giving royal assent to certain bills.

**Mr. R. D. Kennedy (Peel South):** Mr. Speaker, before the orders of the day I would like to inform members of the House

and staff who will be on duty tonight that due to the Shriners' parade there is going to be a certain congestion around the building here so arrangements have been made with the Metro police that members will be able to leave at 6 o'clock without difficulty, returning prior to 8 or at 8, if they use the west side of Queen's Park Cres., coming from the west along College St. and up the wrong side of the crescent, which is the one on the west side of the building. The west entrance will be open and Metro police have been alerted.

When the House adjourns use the west exit again, down along University Ave. to College and then either east or west on College.

**Mr. Speaker:** Orders of the day.

### ENVIRONMENTAL PROTECTION AMENDMENT ACT

**Hon. W. Newman** moves second reading of Bill 15, An Act to amend the Environmental Protection Act, 1971.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. A. Renwick** (Riverdale): Mr. Speaker, this bill is a companion bill—

**Mr. Speaker:** Maybe the minister would like to make a statement first.

**Hon. W. Newman** (Minister of the Environment): The only statement I would like to make is to say that all this does to amend the Environmental Protection Act is to allow for the dissolution of the Environmental Hearing Board by replacing it with the Environmental Assessment Board. This is just legislation complementary to the other bill, if it passes. This will be going to standing committee also.

**Mr. Speaker:** The member for Huron.

**Mr. J. Riddell** (Huron): Mr. Speaker, this is strictly a housekeeping bill. It is based on the assumption that Bill 14 will pass third reading and be proclaimed in which event, as the minister indicated, this bill is simply complementary to Bill 14 in that the Environmental Hearing Board will be replaced by the Environmental Assessment Board. I see, really, no objections to this bill.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. Renwick:** This bill is supplementary to Bill 14. We have no further comment on it.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Hon. W. Newman:** Standing committee.

Agreed.

### ONTARIO WATER RESOURCES AMENDMENT ACT

**Hon. W. Newman** moves second reading of Bill 16, An Act to amend the Ontario Water Resources Act.

**Hon. W. Newman:** Mr. Speaker, this is exactly the same as Bill 15. It is to allow for the dissolution of the Environmental Assessment Board.

**Mr. Speaker:** The hon. member for Huron.

**Mr. Riddell:** I have the same comments that I made in connection with Bill 15, Mr. Speaker. It's simply complementary to Bill 14.

**Mr. Speaker:** Does the hon. member for Riverdale have any comments?

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Hon. W. Newman:** Standing committee.

Agreed.

### TERRITORIAL DIVISION AMENDMENT ACT

**Hon. Mr. Beckett**, on behalf of **Hon. Mr. McKeough**, moves second reading of Bill 112, An Act to amend the Territorial Division Act.

**Mr. Speaker:** The member for Waterloo North.

**Mr. E. R. Good** (Waterloo North): Thank you, Mr. Speaker. I have just a few comments. I would like to ask about the fact that the restructured county of Oxford is included in this bill. I presume this is because it is neither regional government nor under its old county structure. The new divisions of the restructured county must be included in



this to show the new divisions of Woodstock and Tillsonburg, plus the townships.

The rest of the bill deals with the 358 geographic townships in the districts of Algoma, Sudbury and Thunder Bay which previously were referred to by number and now have such names attached to them as Carruthers, Bullbrook, Burr—just to cite a few examples—which I am sure the members of the Legislature have perused. Meen, Parrott, Shulman, Morningstar, McIlveen and Maeck are other names of townships which were undoubtedly named after members of this Legislature.

There is one thing I notice which gives me a little concern. There is a Mack township and also a Maeck township. It is a little unusual to me that there should be two townships with much the same pronunciation but a different spelling.

We have nothing further to say on this other than that I reserve judgment as to whether it was a good idea or not that these townships be named after members of the Legislature.

**Mr. Speaker:** The member for Riverdale.

**Mr. Renwick:** Our only comment on the bill is an explanation of the repeal and re-enactment of the area consisting of the county of Oxford.

**Mr. Speaker:** The member for Brantford.

**Hon. R. B. Beckett** (Minister without Portfolio): The member for Waterloo North is correct in his interpretation of the purpose of this bill, which is basically to provide names for townships which were formerly merely designated by number.

If I could indicate this to members, the selection of these township designations is the work of an all-party committee to name numbered and lettered townships in northern Ontario. The committee selection, which was approved by the Minister of Natural Resources (Mr. Bernier), who set up the committee in March, 1973. The names chosen included 55 members of this legislative assembly; 39 chiefs of reserves; 81 northern mayors and reeves and four chairmen of improvement districts, past and present.

**Mr. Good:** And a defeated cabinet minister.

**Hon. Mr. Beckett:** And, probably, the names of some future cabinet ministers.

The member for Riverdale asked about Oxford. The present legislation indicates that the county of Oxford will consist of the city of Woodstock; the town of Tillsonburg; the separated town of Ingersoll; and the villages of Beachville, Embro, Norwich, Tavistock;

and the townships of Blandford, Blenheim, Dereham East Nissouri, East Oxford, East Zorra, North Norwich, North Oxford, South Norwich, West Oxford and West Zorra.

After the restructuring of the county, some of those municipalities were combined with others to bring to us the municipalities named in paragraph 27.

**Mr. Speaker:** Is it the pleasure of the House the motion carry?

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 112, An Act to amend the Territorial Division Act.

### COUNTY OF OXFORD AMENDMENT ACT

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves second reading of Bill 113, An Act to amend the County of Oxford Act, 1974.

**Mr. Speaker:** The hon. member for Waterloo North.

**Mr. Good:** Mr. Speaker, briefly, this bill enables the councils of Woodstock and the town of Ingersoll to make an interim levy of 75 per cent of their 1974 levy rather than a 50 per cent levy which was included in the original Oxford bill.

The question I wanted to ask the minister, Mr. Speaker, is why would there be such a great delay in the ability of these two municipalities to have their final budgeting completed and their tax billing ready to be rendered? Either that, or I'm misunderstanding the bill. Why do they have to have 75 per cent of their revenue levied so early in the year? Surely by now, or sometime even before this, they would have their budgeting completed and their levies figured out for this year. The only reason I could possibly think of is that their costs have gone up to such an extent that 75 per cent of last year's levy will only equal 50 per cent of this year's levy.

Unfortunately, I didn't get any ministerial notes to cabinet on this bill, so I can't

get a detailed explanation. But I'm sure the minister will assist me in my thinking on this.

**Mr. Renwick:** Mr. Speaker, all we would ask of the minister is that he explain the reason for the bill.

**Mr. Speaker:** The hon. minister.

**Hon. Mr. Beckett:** Mr. Speaker, when the bill was written the policy was that the municipalities should be able to levy up to 75 per cent, as is indicated in the actual bill itself. It became a legal problem regarding some of the wording on the basis of, as it says in the clause in the original bill, "merged areas," there were some legal opinions that indicated that they did not consider all the municipalities as having been merged.

The point that is raised by the hon. member for Waterloo North is that this actually holds up the county levy. This way, actually all the municipalities within the re-structured county of Oxford will now have the same abilities to levy up to 75 per cent. As it stands at the present moment, there are several which can only go up to 50 per cent, because they are on the same basis as they were prior to the bill setting up the re-structured county.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion.

Bill 113, An Act to amend the County of Oxford Act.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

**Hon. Mr. Beckett,** on behalf of **Hon. Mr. McKeough,** moves second reading of Bill 114, An Act to amend the Municipality of Metropolitan Toronto Act.

**Mr. Speaker:** The hon. member for Waterloo North.

**Mr. Good:** Mr. Speaker, what this bill does is allow Metropolitan Toronto to be considered a county for the purposes of the General Welfare Assistance Act. It's in-

teresting to note what the implications of that particular amendment mean to the city. The province has various ways in which it figures out its assistance to a municipality for all those costs incurred under the General Welfare Assistance Act, which is the direct welfare paid out through the social committees of the municipalities.

The way things are presently, a city is given 50 per cent of its welfare costs after the 1964 costs have been deducted from its total costs. In other words, the 50 per cent paid by the province applies to both city and counties; except that presently, say the complete costs were \$800,000 and in the year 1964 that municipality happened to spend \$200,000 on welfare under the General Welfare Assistance Act, then that \$200,000 would be deducted first, leaving \$600,000, and the province would pay 50 per cent of that \$600,000, which would be a total of \$300,000.

The new setup is more favourable to Metropolitan Toronto in that it is now considered a county, because the manner of figuring the subsidy from the province in the instance of counties has been a straight 50 per cent of the approved welfare cost for that particular year. The same municipality, having an \$800,000 budget, would receive 50 per cent or \$400,000 which, in effect, would be \$100,000 more than it had received previously; I am sure the municipality of Metropolitan Toronto will benefit by larger provincial subsidies in the expenditures it makes under the General Welfare Assistance Act.

I was somewhat intrigued as to how they arrived at the formula of deducting the 1964 costs before the 50 per cent was applied but I suppose way back there was some logic to it which at this present time escapes me. We will support the bill.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Speaker, I appreciate the lucid explanation given by the member for Waterloo North as the reason for the bill. I am curious as to why the provision of Bill 114 is limited only to the General Welfare Assistance Act whereas the bill which I assume we will be dealing with later on this afternoon—Bill 101, dealing with the other regional municipalities in Ontario—deems them also to be counties for the purposes of the Homemakers and Nurses Services Act and the Day Nurseries Act.

**Mr. Good:** No money involved.



**Mr. Renwick:** It may simply be that it is not of any significance. It would appear to me that if provision is being made for the other regional governments a similar provision should have been inserted in the bill we are presently considering, particularly at this point in time when the question of homemakers' and nurses' services and of day nurseries is one of significance. I cannot understand why it should be necessary for the other regional governments to be deemed counties and the Metropolitan Toronto corporation to remain simply as a city for the purposes of those Acts. There is money under the day nurseries.

**Mr. Speaker:** Does any other member wish to speak before the minister replies?

**Hon. Mr. Beckett:** Mr. Speaker, the point of this bill, as has been mentioned, is merely the classification of Metro Toronto for grant purposes; instead of calling it a city it is called a county. This will bring it into uniformity with all the other regional bills. On the points raised by the hon. member for Riverdale, I have been informed that Metro Toronto has the same privileges as the regions as far as nurses and the other matters he mentioned are concerned.

**Mr. J. R. Breithaupt (Kitchener):** We have now.

**Hon. Mr. Beckett:** I am informed, Mr. Speaker, that this was an attempt to deal with this specific matter of general welfare because it was not looked after in the Metropolitan Toronto Act as long as it is called a city. By calling it a county the general welfare administrative part is now looked after. The points the member raised, which are going to come up in the other bills are, I am informed, already within the abilities of Metropolitan Toronto; therefore an amendment wasn't necessary.

**Mr. Renwick:** Perhaps the minister would allow a question because of the brevity of the bill rather than put it into committee for that purpose. Am I to understand that his advisers have told him that Metropolitan Toronto is, for the purposes of the Homemakers and Nurses Services Act and the Day Nurseries Act, deemed to be a county and not a city at the present time?

**Hon. Mr. Beckett:** Mr. Speaker, it has been confirmed that this is taken care of in the actual Homemakers Nurses Services Act. I believe the easiest way to answer his question is by saying yes. In other words, it is con-

firmed of the information I was given before.

**Mr. Renwick:** I will take it for yes. Will he drop me a note and confirm it to me?

**Hon. Mr. Beckett:** I will be delighted to do that. If he doesn't mind I'll get it in writing first from the staff that has so informed me.

**Mr. Renwick:** Thank you.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 114, An Act to amend the Municipality of Metropolitan Toronto Act.

### CITY OF HAMILTON ACT

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves second reading of Bill 120, An Act respecting the City of Hamilton.

**Mr. Renwick:** That bill wasn't called.

**Mr. Good:** I am ready for it.

**Mr. I. Deans (Wentworth):** I'm sorry. That wasn't one of the ones I was given.

**Mr. Renwick:** Mr. Speaker, on a point of order, that bill was not called on the list which we were given.

**Mr. Deans:** I think it's the wrong one.

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** It should be Bill 101.

**Hon. Mr. Beckett:** Mr. Speaker, it may assist the hon. member for Wentworth if we can move on to another bill.

**Mr. Deans:** I'm sorry, but I wasn't ready for that yet.

### REGIONAL MUNICIPALITIES AMENDMENT ACT

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves second reading of Bill



101, the Regional Municipalities Amendment Act.

**Mr. Speaker:** The hon. member for Waterloo North.

**Mr. Good:** Thank you, Mr. Speaker. This is a conglomeration of amendments to various regional government bills across the Province of Ontario, and I think, some of the matters contained herein are worthy of mention.

First, dealing with the municipality of Ottawa-Carleton, evidently they have a transit system—

**Mr. Renwick:** Mr. Speaker, on a point of order. Would my friend agree that perhaps because it is such a miscellaneous bill, it would be more easily dealt with by putting it directly into committee of the whole House?

**Mr. Good:** Mr. Speaker, as far as our party is concerned, there is no need for this bill to go to committee of the whole House, unless the minister is going to propose changes in it. I think the questions I have regarding it can be answered, and while it is miscellaneous it doesn't matter that much to me.

I have just a short summary of the various things that are changed within the bill, and I presume that they are matters that had been asked for by the municipalities. There are some implications, one in particular dealing with Waterloo, but I have no objection to anything within the bill.

**Mr. Speaker:** Would the member for Riverdale agree that the member for Waterloo North proceed?

**Mr. Renwick:** Mr. Speaker, I did not suggest for a moment that he not proceed if he wishes to do so. All I would feel compelled to do, in any event, was to ask that the bill go into committee—I assume committee of the whole House—because it is such a miscellaneous collection of amendments. I'd like an explanation on the record of the various points which are covered, in addition to the explanatory notes which are in the bill.

**Mr. Good:** All right. The first matter concerns the regional municipality of Ottawa-Carleton and deals with the transportation system which operates outside the urban area and the agreements for the provision of this passenger transport service.

The principle in this section, Mr. Speaker, allows that the region may make a levy against the area municipality for any deficit incurred by this regional transportation sys-

tem. There is a further provision which I think is somewhat unusual and I've never seen anything just like that. The regional council has discretion when making that levy against the area government to take into consideration various factors, that is, the amount of the transportation service provided to that municipality, the financial implications in providing that service to that outside municipality, the equalized assessment of that area as against the equalized assessment of the main urban area and any other considerations. The regions then can make advances to the transportation commissions and the levies against the area governments must be paid within 30 days after the regions make them.

There are an appeal and a safeguard. If that area government feels it's paying more than its fair share of that whole transportation service or more than it feels it is getting in return, it can appeal to the OMB. In the final analysis, instead of the area and the regional government working out an agreement for transportation services, it's all, one might say, a unilateral imposition of levies by the region on the area government with an appeal to the OMB.

I don't know whether this system has been tried in other areas or whether it has worked satisfactorily. I know in my own community the city of Kitchener owns a transportation system and each year Kitchener and Waterloo hammer out a transportation financial arrangement. Some years we in Waterloo think we have got a good deal and other years we think we are getting taken, but what can one do? We hammer it out on an equitable basis and in the long run I think both of us are fairly well satisfied. Perhaps the minister will have a little history on how they arrived at this particular formula for the area governments to be assessed for their transportation requirements when they are outside the urban areas.

In the same particular part of the bill, the municipality of Ottawa-Carleton will be deemed to be a county for purposes of the General Welfare Assistance Act, and there is no need to repeat that provision. It will be beneficial to the regional government to be deemed a county rather than a city so that its 1964 expenses will not be deducted before the 50 per cent payment is made.

Section 4 deems a municipality to be a county for these other Acts relating to the Homemakers and Nurses Services Act and the Day Nurseries Act. As I understand it, there are very little financial implications in this. It has to do more with the method of the administration of these Acts. I believe,

the province pays 80 per cent and the municipality 20 per cent. As far as I know, all the other regional bills that I could find have that provision in them now, except Ottawa-Carleton which was our first regional government bill, which was passed away back in 1970 or somewhere in there.

There is also a provision here that the regional corporation may acquire land for park purposes, which I presume brings it in line. There is control of roads by the region on any lands which are covered by an agreement between the region and a conservation authority or with the Ministry of Natural Resources, I suppose this could have far-reaching results in many areas. The control of roads by a division of government or a superior division of government, such as the region and the area government, has been somewhat of a sticky problem in many of the new regional governments because usually the control of the roads gives certain planning controls as well of 150 or 20 ft relating to those roads. This is in other bills and I suppose now brings it in line with other regional government bills.

The solid waste disposal is now transferred to the region in Ottawa-Carleton as it is in most other regional bills with which I am familiar. It's interesting to note there are some provisions here which I think are pretty good, and I would just like to draw attention to them, Mr. Speaker. One that is in other bills too, is that after the landfill site has been filled the region must first offer that filled site for a nominal consideration to the area government where it is located.

We had this problem in our own region. The city of Kitchener had a landfill site on which it was piling garbage to make a small ski hill. When regional government was brought in it was decided in the bill that the site should be offered back to the area municipality, even though the region had taken it over until it was filled. So it is the policy now that these sites should be offered back; and I suppose they can be used for park and recreation purposes by the area governments where the landfill sites are situated.

The part that intrigued me—and I don't know if this is in other bills or not—was subsection 12, where it says, "an area municipality may, by bylaw, prescribe one or more routes to be used by vehicles" when hauling the waste to the regional landfill site.

I think this is good, if there can be prior agreements on these routes. We are going through this problem in Waterloo region right now, trying to locate a landfill site. Nobody wants other people's garbage, least

of all the rural people, but that seems to be the only solution this government has been working on for the last number of years. To have designated routes for hauling, which are agreed to—and if the bylaw is then passed the Municipal Board has to approve such bylaw before it can be enacted—I think is a very interesting thing.

I am not familiar—and I am sure the minister can answer the question in the next section—with why part of the city of Thorold was annexed to the city of Welland. I suppose that was just a straightening out of the boundary or something of that nature. Here, too, we have the matter of the region being deemed to be a city for certain Acts and a county for other Acts, which has the same implication mentioned previously.

The York region evidently wants the licensing power for boarding houses at the regional level, and there is nothing much I can say on that. I do want to say something on the part that deals with the regional municipality of Waterloo.

Under this part, the regional board of health is being done away with and disbanded, and the powers formerly invested in the regional health board are now going to be taken over by the Waterloo regional council. I spoke to various council people in Waterloo region, and to a former chairman of the board of health who happened to be the Conservative candidate who ran against me in 1967, and we had a good long talk on it. We've been friends for a long time. He is quite certain that this is not the proper way to handle this. I have spoken to other people as well, and they say the argument—and I think there is a certain amount of validity in the argument—that by disbanding certain voluntary boards made up of people who serve without pay or for very little remuneration, we are losing a wealth of experience and expertise, and it's somewhat of a shame that no one is working in the public sector now unless he gets a good salary for doing so.

Anyway, as of July 1, the regional council has taken over the health board and the former health board is dissolved. There are many within the region who argue that here is another stone being built into the regional government bureaucracy, with more people under the regional chairman. There is a great deal of validity in that, and I am persuaded to a certain extent that this is what's happening. The regional chairmen wanted everything in the region under the regional council which, in effect, is under the regional chairmen, which is a direct pipeline to



Queen's Park—so I maintain and many people feel.

I have somewhat mixed feelings. In this whole matter, I think one has to come back to the basic argument of accountability and responsibility. Really, elected officials have to be accountable for the expenditures of these moneys and I think that concept outweighs the other arguments, even though we are probably going to have to hire more municipal bureaucrats. We are going to have to bring the whole regional government into a bigger—they will spread out their networks still further, taking in yet another board and commission.

All those arguments have to be outweighed by the fact that the power must be in the hands of elected officials who, in the final analysis, are responsible to the people. We in this party have believed in that concept. Sometimes our faith in it is shaken when we see these big bureaucracies being built up at the municipal level but I don't think the problem is in the concept. I think the problem is in the appointed regional chairmen and the structure on which these regional governments were first set up.

I had the mayor of one of our municipalities—not my own—say to me not long ago; "It is too bad we can't go back to square one and start all over again and not build everything up on such a grandiose scale." I think there are a lot of people beginning to think that about our regional governments.

There are a few questions I would like to ask regarding this transfer of the board of health from the health board to the region. First of all, what happens to the provincial appointees who were appointed for terms of two or three or five years? I presume that if they were appointed to a board which no longer exists, they suddenly cease to exist themselves.

It is rather unfortunate that our present chairman, who was appointed by the government, was also vice-president of the Provincial Association of Boards of Health. His job on the provincial association goes down the drain because, as he is no longer a member of a health board, he can no longer be vice-president of the provincial association. That's regrettable and I feel for him in that regard because I think our board of health did a good job.

I think they did an excellent job but there seemed to be that drilling desire in our regional chairman to get everything under his wing. The only thing he hasn't got yet is the library board and who knows—

**Mr. R. F. Ruston (Essex-Kent):** He probably has plans for it.

**Mr. Good:** —maybe within the next five years we will see library boards under the regional council. The only groups big enough so far, I think, to resist the outstretched claws of regional chairmen and regional councils have been the public utilities commissions. Boy, they are a strength of their own and the government still hasn't figured out how to handle them because politically it's a pretty hot potato. The government can't get rid of them; it is going to have to let them exist.

I think they are going to have to exist as elected boards. I think the only way library boards will exist in the long run is as elected boards. The school trustees and the school boards being elected probably have a right and are doing a good job. There are even those who would imagine that we will go down the line and some day see the schools run that way. I will make no comment on that.

There are going to be a few problems, for instance, when the health board comes under the regional council. They will all be then municipal employees. There is no problem as far as OMERS goes because health board employees' pension plans are in the Ontario Municipal Employees Retirement System.

There will be some problems, I suppose, as far as bargaining rights and representation are concerned. As I understand, there are two union groups now within the Waterloo Regional Health Board—the nurses' association and the staff association. I don't know how that will be handled, but I am compelled to say that we have to support the concept on the basis that, in the final analysis, that the power must be in the hands of elected officials. They must, in the final analysis, be responsible to the public. We have to go along with that idea.

In another few years, when our bill permits us to have a truly elected regional chairman, and when we get over there, the regional chairman will be elected by the people, not by council. He will be elected by the people at large across the region.

**Mr. L. C. Henderson (Lambton):** The member is a dreamer.

**Mr. Good:** I'm a dreamer, eh? The member for Lambton doesn't think the people should elect them.

**Mr. Deans:** By the time the Liberals get over there, regional government will be no more.



**Mr. Good:** The member doesn't think that they should even be elected by the people. That's interesting to know. He's a true-blue Tory, that's for sure.

That concludes my comments on that particular part of the bill, Mr. Speaker. There are some other matters dealing with the Sudbury part of the bill, which eliminates the ward system. I presume that this was asked by the people in that area. If it was, certainly, we can support it. There's a bit of land going from Brantford to Mississauga in the Peel part of the bill and a small section dealing with the Haldimand-Norfolk bill. This gives the council powers to pass bylaws, as any board of commission of police is authorized to pass.

Generally, Mr. Speaker, as in most of these amended bills, I presume they are amendments that have been asked for by the municipalities. The few questions which I did ask, I would appreciate the minister commenting on them.

**Mr. Speaker:** Does the member for Riverdale wish to make any comments at this time?

**Mr. Renwick:** Mr. Speaker, I would ask that the bill go into committee. Any questions we have, we'll deal with section by section.

**Mr. Speaker:** The hon. minister.

**Hon. Mr. Beckett:** I would like to recommend that to you, Mr. Speaker, in order that I may introduce an amendment regarding some of the effective dates.

**Mr. E. J. Bounsall (Windsor West):** Outside the House?

**Mr. Renwick:** No, inside.

**Mr. Deans:** No, no, in the House. Right here.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Will the bill be ordered for third reading?

**Mr. Deans:** No, committee.

**Mr. Speaker:** Committee of the whole House?

Agreed.

**Clerk of the House:** Order for House in committee of the whole.

## REGIONAL MUNICIPALITIES AMENDMENT ACT

House in committee on Bill 101, An Act to amend the Regional Municipalities Amendment Act, 1975.

**Mr. Chairman:** What section did the member for Riverdale want to deal with first? We have an amendment to section 15.

**Mr. J. A. Renwick (Riverdale):** I'm satisfied, Mr. Chairman, with section 1 of the bill.

Section 1 agreed to.

On section 2:

**Mr. Renwick:** In section 2 of the bill, why is it necessary for the council to have this authority to levy for an anticipated deficit? Why isn't the present system an adequate method of accounting? As I read the section, I don't quite understand how the accounting adjustment is made at the end of the particular fiscal year to account for any inaccuracy as to the estimate of the anticipated deficit.

**Hon. R. B. Beckett (Minister without Portfolio):** Mr. Chairman, as has been previously mentioned, this was the system requested by the region. It's my understanding that the system that is covered in section 2 is to look after any anticipated deficits.

**Mr. Chairman:** Did the member for Waterloo North indicate that he had a question on this one?

**Mr. E. R. Good (Waterloo North):** No.

**Mr. Chairman:** Section 2 carried? Mr. Gisborn.

**Mr. R. Gisborn (Hamilton East):** No, Mr. Chairman, I didn't just quite catch the minister's answer to the question by the member for Riverdale. Regarding the levy that is imposed, isn't it a question as to what method and what formula would be used to pay the levy after it is imposed? Does that not come into the question quite strongly?

**Hon. Mr. Beckett:** Mr. Chairman, it is my understanding that this system is recommended to the House on the basis that regions have to borrow and pay excessive borrowing charges. With the levies, they can keep current and relieve themselves and their taxpayers of the cost of borrowing.

**Mr. Renwick:** Mr. Chairman, I'm sure it is ignorance on my part but perhaps the minister could explain to me—I can under-

stand it when you say that it's been requested by the regional municipality, because obviously they are the ones who are going to do the levy. Does that mean it is requested by the regional municipality with the consent of the area municipalities in that particular region?

**Hon. Mr. Beckett:** That is correct, sir. It has been requested by the regional municipality and has the concurrence—as a matter of fact the urging—of some of the municipalities for us to get on with it.

Section 2 agreed to.

On section 3:

**Mr. Renwick:** I have no comment about section 3 because the member for Waterloo North explained the purpose of that section when we dealt with the preceding bill related to the Municipality of Metropolitan Toronto. But I would ask the minister to confirm again to me the reason for the regional corporations under section 4 being deemed to be counties for the purposes of the Homemakers and Nurses Services Act and the Day Nurseries Act.

**Mr. Chairman:** Mr. Minister?

**Hon. Mr. Beckett:** Mr. Chairman, it is my understanding that when the Canada Assistance Plan came in in 1966, the base line was set up on the year 1964. In that year, the old system permitted a municipality such as a city to receive 50 per cent of their administrative costs under the General Welfare Assistance Act. However, if they were classified as a county and as a region in this particular case, they were enabled to receive a larger percentage.

The purpose of this section is to bring in uniformity to all of the regional Acts. Niagara and Ottawa-Carleton are the only regional municipalities that are defined as cities for the purpose of the General Welfare Assistance Act and therefore receive a provincial subsidy of only 50 per cent of costs in excess of the total welfare administrative costs in a base year.

Section 3 agreed to.

On section 4:

**Mr. Renwick:** The minister responded to the General Welfare Assistance Act. Could he respond now under section 4 with respect to the two Acts which are referred to in that section? Is there any money involved in those? I understand funds are available to the regional corporations because of being deemed counties for the purpose of the Gen-

eral Welfare Assistance Act, and I accept that. Under section 4, is there any money significance to the regional corporation of Ottawa-Carleton being deemed to be a county for the purposes of the two other Acts which are referred to?

**Hon. Mr. Beckett:** I am advised that there is no money as far as section 4 is concerned, sir.

Section 4 agreed to.

On section 5:

**Mr. Renwick:** Mr. Chairman, on section 5, the note obviously states that similar powers are vested in the other regional municipalities. Was the original omission of this by oversight in the Act related to the regional municipality of Ottawa-Carleton, or is there some reason for inserting it at this time?

**Hon. Mr. Beckett:** Generally on request, Mr. Chairman.

Sections 5 and 6 agreed to.

**Mr. Chairman:** Is there anything before section 15 or are we going too fast?

**Hon. Mr. Beckett:** Mr. Chairman, there was a question asked by the hon. member for Waterloo North regarding section 7, I believe, in his first remarks.

On section 7:

**Mr. Chairman:** Does the minister care to respond?

**Hon. Mr. Beckett:** These lands are annexed from the town of Thorold to the city of Welland. This was requested by the municipalities. I believe the actual owners of the land were a fairground organization, and it was a boundary error. So the purpose of this amendment is to place them all in the one municipality.

Section 7 agreed to.

**Mr. Chairman:** Anything before section 15?

**Mr. Good:** Yes.

**Mr. Chairman:** Which section?

**Mr. Good:** Section 11.

Sections 8 to 10, inclusive, agreed to.

On section 11:

**Mr. Chairman:** The member for Waterloo North.

**Mr. Good:** Mr. Chairman, I want to ask a few questions regarding section 11. I am



wondering what prompted this. Was this asked for by the regional chairman or is this a guinea-pig experiment? I understand this is the first time in the province that a regional health board is being taken over by the council. Is this being done on an experimental basis, to be looked at as to whether it is going to be a successful operation, or is it government policy that eventually all health boards will be done away with and taken over by councils?

**Hon. Mr. Beckett:** Mr. Chairman, this was requested as a result of a resolution by regional council and not, as indicated by the hon. member, merely at the request of the chairman. It is part of government policy, if it is at all possible, to return the administration of bodies such as this to the elected representatives in the area. I would presume that if other regions requested a similar piece of legislation it would be brought to this House, but this change definitely was requested by resolution of the regional council and it does return the powers for health matters to the elected persons.

The hon. member also asked a question regarding the persons who previously were on the board of health; they can well serve as advisers in the form of a committee if the regional municipality so desires.

**Mr. Good:** On that point, Mr. Chairman, is there anything in the bill requiring an advisory committee? I couldn't see it. I think this question was discussed at home, but I don't think there is anything in the bill requiring an advisory committee, is there?

**Hon. Mr. Beckett:** That is correct, sir, but if the regional council felt that they desired some expertise in these matters to take advantage of the experience of the people such as you have mentioned, we would feel that it is well within their abilities to have an advisory committee as there are in so many different parts of a regional function.

**Mr. Chairman:** The member for Riverdale.

**Mr. Renwick:** Mr. Chairman, on section 11, I am always concerned when I see these strange provisions designed to provide protection which often appears illusory to employees.

I notice in subsections 13, 14 and 15 that on the dissolution of the health unit and the regional corporation taking over the responsibilities, that every employee of the regional board of health is to be offered employment at a salary not less than he was then

receiving but only up to and including the period ending on June 30, 1976.

My first question is, are the employees of those units by any chance protected at the present time under collective agreements? Secondly, may it not be the case that some of them are employees with substantial terms of service. While I assume that the regional corporation is going to have to carry on the responsibilities which are being accepted by it on the dissolution of the local board, nevertheless there is nothing in these clauses to protect the seniority of the persons who are concerned in it. There is nothing to indicate that they will have any continuing right of employment.

I would have assumed that either there is a collective agreement—perhaps the member for Waterloo North can tell me as to whether or not those employees are protected under collective agreement—or there would have been a provision in this bill providing for continuity of employment as if there had been no interruption of their employment so that the persons would continue to have all the benefits of whatever period of service they had been providing, which may be of substantial period of time. Perhaps we could get some specific information from the minister about that and decide whether or not it is necessary to provide some kind of an amendment or protection.

**Hon. Mr. Beckett:** Mr. Chairman, it is my understanding that many of the employees are covered under a collective agreement, in which case they would suffer no ill effects from the purposes of this legislation. Those who are not covered under a collective agreement would fall in the same category as anyone else. They are at the pleasure of the council.

**Mr. Renwick:** I understand that part of it. A collective agreement is an agreement between two parties. Who are the parties at the present time? I would have assumed that the parties in this particular instance are the regional board of health and the particular unit which is authorized as the bargaining unit. I would have assumed if one party to the agreement was being dissolved that there should be a provision under which the successor party, the regional corporation, should take on and assume the obligations and position of the other party so that the employees would know that they had the continuing protection of the collective agreement. This bill does not say that, so far as I am concerned.



I can't understand why the person's rights are not continued and protected as if there had been no change and the collective agreement continued. Or is the minister saying that the collective agreement is being set aside and the employees now become members of a different bargaining unit under the regional corporation? Or is the solution something which the minister may know, namely, that there is an overall collective agreement covering not only the regional corporation employees but also the members of the regional board of health.

**Hon. Mr. Beckett:** Mr. Chairman, I am advised that the very good points that are raised by the member for Riverdale are in our opinion covered in subsection 100(1) in the fourth last line in my copy, which reads: "Purposes of any agreements entered into, orders made, or matters commenced by that board and for the purposes of any proceedings."

**Mr. Renwick:** Where is that?

**Hon. Mr. Beckett:** That would be the regional bill, section 11.

**Mr. Renwick:** What you are saying is that in the judgement of yourself, subsection 1 of section 100 means that the regional corporation is for all purposes the successor of the board of health and therefore is the successor as the party of the collective agreement, and that the rights of the members of that bargaining unit are not in any way affected by the dissolution and the transfer of the powers to the regional corporation.

If the minister is prepared categorically to state that, I can't understand why we then have to have the provisions of 13, 14 and 15 in the bill other than for those employees not covered by the collective agreement.

**Hon. Mr. Beckett:** Mr. Chairman, I am prepared to make that commitment to the hon. member on his first question because it would certainly be the intent. If, for any reason, this doesn't work out, I can assure you we will attempt to bring in legislation which would ensure this. I think you answered your own question, in effect, on 13 and 14.

**Mr. Renwick:** I don't want to press it and I accept the minister's assurance on the point. I would have assumed that, whatever the employee's position was on the day of the dissolution, it should be in the same position the day after the dissolution and the assumption by the regional corporation. If that is so, he would be a continuing em-

ployee. If he is a continuing employee I can't understand why in subsection 13 there is an offer of employment to be made to the persons who are now in the employ of the Waterloo Regional Board of Health, and the requirement that they accept the offer of employment and start a new employment.

I think there is a contradiction. I don't think the bill intended to have it but I think the assumption, under subsection 1 of section 100, of agreements to which the board had formerly been a party by the regional corporation on the dissolution of the board is in conflict with the provision we have been discussing related to employees to which I refer specifically in subsection 13. Perhaps the minister might look into it. If I am correct, perhaps the minister's assurance will be needed to make certain that nobody gets hurt.

**Mr. Chairman:** Does section 11 carry?

**Mr. Renwick:** The minister was going to comment.

**Hon. Mr. Beckett:** Mr. Chairman, I was merely going to mention to the hon. member for Riverdale that I am advised by the staff that what he has said is correct as far as it concerns section 1, subsection 1, which looks after those persons covered by a collective agreement. It is our hope that the problems he sees with those persons who are not covered by a collective agreement will be safeguarded by 13 and 14. I would make the commitment that if there is any problem with this, we will come back to the House on it.

Section 11 agreed to.

On section 12:

**Mr. Chairman:** The member for Riverdale.

**Mr. Renwick:** Mr. Chairman, on section 12, my colleague, the member for Sudbury East (Mr. Martel), not only has the town of Capreol in his riding, he resides there. He advises me that he is satisfied with this provision of the bill and doesn't have any comment to make on it.

**Mr. Good:** I thought you people were all so worried about this. How come you are agreeing?

**Hon. Mr. Beckett:** Mr. Chairman, I would have to apologize to the hon. member but I checked this out with Mr. Martel. I am sorry. I thought it was in his riding, not yours. Sorry.

**Mr. Renwick:** Thank you.

**Mr. Chairman:** Did the member for Riverdale get a satisfactory answer?

**Mr. Renwick:** Yes.

**Mr. Chairman:** Does section 12 carry?

Section 12 agreed to.

**Mr. Chairman:** Section 14?

**Mr. Renwick:** Section 13, Mr. Chairman.

**Mr. Chairman:** I am sorry, I missed one.

On section 13:

**Mr. Renwick:** If I may, my only comment on section 13 is what is the extent of the area of land involved in this annexation which is taking place?

**Mr. Chairman:** Mr. Minister?

**Mr. W. Ferrier (Cochrane South):** Did the minister check this one with the Premier (Mr. Davis) to get his okay?

**Hon. Mr. Beckett:** Mr. Chairman, I am sorry, I am not in the position to give the number of acres. I believe it is a very small acreage and it's basically a problem of servicing because of the topography of the property itself.

**Mr. Renwick:** The only reason for the annexation is to accommodate the two municipalities which have requested the annexation for the purpose of adjusting the servicing of the lands on either side of the boundaries, is that correct?

**Hon. Mr. Beckett:** There is an area known as the Claireville dam and reservoir lands. This is part of the problem of services because the Claireville dam and reservoir acted as a barrier.

Section 13 agreed to.

**Mr. Chairman:** Section 14 carried?

**Mr. Gisborn:** No.

**Mr. Chairman:** I am sorry; the hon. member for Hamilton East. On section 13 or 14?

**Mr. Gisborn:** Section 14.

On section 14:

**Mr. Gisborn:** Mr. Chairman, I would ask the minister what part of the Haldimand-Norfolk region would be classed as a city? I don't think there is any part there at this particular time, or is the entire region deemed to be a city and we are talking strictly about the region itself?

**Hon. Mr. Beckett:** Mr. Chairman, it is my understanding that this will cover the new

municipality of the city of Nanticoke. Previously, there was no city as you are well aware; but this is the city of Nanticoke. So, in this case it would be the council of any city. In practical fact, the city of Nanticoke "in the regional area may pass any bylaws that a board of commissioners of police of a city is authorized to pass under the Municipal Act."

Section 14 agreed to.

On section 15:

**Mr. Chairman:** We have an amendment here to section 15. Would the minister care to move the amendment?

**Hon. Mr. Beckett** moves that section 15 of the bill be struck out and the following inserted in lieu thereof:

15(1) This Act, except sections 6, 7, 9, 10, 11 and 13, comes into force on the day it receives royal assent.

(2) Sections 7, 9, 10, 11 and 13 shall be deemed to have come into force on the 1st day of July, 1975.

(3) Section 6 comes into force on the 1st day of January, 1976.

**Hon. Mr. Beckett:** I believe the hon. members have copies of this.

Section 15, as amended, agreed to.

Section 16 agreed to.

Bill 101, as amended, reported.

**Hon. Mr. Winkler** moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with a certain amendment and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 101, the Regional Municipalities Amendment Act, 1975.

**Hon. R. B. Beckett** (Minister without Portfolio): Mr. Speaker, the hon. member for Wentworth (Mr. Deans) was particularly involved in this next bill, Bill 120. Perhaps someone could inform him of this.

**Mr. J. A. Renwick** (Riverdale): I think probably the member for Wentworth would allow me to speak on it, or my colleague, the member for Hamilton East (Mr. Gisborn), can speak on it as well. I think I know the questions which my colleague wishes to speak about.

#### CITY OF HAMILTON ACT

Hon. Mr. Beckett, on behalf of Mr. McKeough, moves second reading of Bill 120, An Act respecting the City of Hamilton.

**Mr. Speaker:** The hon. member for Waterloo North.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, I understand the city of Hamilton didn't get their private bill in time for the private bills committee to deal with and are hereby asking for authority for the city to back a mortgage of a private company that is building an ice arena for the city. I understand there are certain provisions for this in the bill. I don't know of any other instance where this is happening. Maybe it is permitted in some other municipalities by private legislation, but it is certainly not permitted under the Municipal Act.

In effect, what we will have here is a facility built for public use by private enterprise, with the municipality as the guarantor for considerable indebtedness. The indebtedness is for \$200,000 a year for 10 years, which I suppose would work out to \$2 million. The council can ask for an equity interest in the establishment or for any other security that it feels it may require. I would be interested to know what the intentions of council are when it does pass its bylaw.

Further, the bill stipulates that a bylaw cannot become effective until it has been approved by the OMB. I suppose that, in a traditional sense, in the final analysis, the safeguard for the people of Hamilton as to whether or not the city is entering into fit and proper negotiations.

I think the OMB approval is important. I understand that originally the city did not intend to include that, but that, coupled with the fact that the municipal treasurer may have access to the books of the private corporation to see, I suppose, what the financial condition of that corporation is, should provide enough safeguards to protect the citizenry.

I can understand the objections of the private corporation in not wanting to have all the company books opened for public

scrutiny, but where the municipality is backing a note or mortgage and acting as guarantor for that, it certainly must have some access to the financial condition of that company.

As far as I can see from my scrutiny of the books—I'm sure the members from Hamilton will have more information on it than I do—it certainly would appear that with the access to the books by the municipal treasurer—who I suppose could pass along the information to council—and with the approval of the bylaw by the OMB, the limited term of 10 years, and the stipulation of repayment of the loan, there should be sufficient safeguards in it. It's a new procedure and one which I suppose has a certain amount of risk attached to it, but one which I hope works out well for the city of Hamilton so that it can have a new ice arena, because many, many years ago I used to skate in that old Barton St. arena and, believe me, they needed a new one back in those days.

**Mr. Deans:** Mr. Speaker, I have some real reservations about this bill. My reservations began with a position that I took some time ago, that it has to be either a private arena or a public arena but it can't be some sort of hybrid. That's what we're going to end up with in this particular kind of legislation. I've expressed that concern to the city of Hamilton and I've expressed the same concern to the taxpayers of the city of Hamilton.

If they want an arena and they need an arena—and there's no doubt in my mind that they both want and need one—and if the city of Hamilton believes that it's likely that this arena can be a paying proposition, then it should undertake to build such an arena. If they don't think it's going to be a paying proposition then they shouldn't be underwriting it to the extent of \$200,000 a year. That's where I have a real problem with it, because, on principle, I think it's wrong. I think it's a very bad principle.

Having said that, I want to talk about the bill itself, because I'm not happy with it. Given that the principle of this bill is going to pass this House; given that the city of Hamilton is going to be given the power to guarantee, up to the extent of \$200,000 a year for 10 years, an undertaking by a group of individuals who, through this point in time, have been unable to raise the necessary moneys to fund the arena; given that I know that the government intends to give them the power to do it, I then want to see the bill changed because I want somehow or other to protect the citizens of Hamilton against what may well be a big promotional push by a



few individuals who haven't given nearly enough thought to the impact or the consequences of their actions.

**Mr. R. Haggerty (Welland South):** Was it the National Hockey League?

**Mr. Deans:** Oh, that's a separate matter altogether.

I want to put on the record what the bill says just for the sake of reference, because I then want to ask some questions about it. The bill says in section 1:

Subject to sections 2, 3 and 4, the council of the corporation of the city of Hamilton may by bylaw guarantee, on such terms and conditions as the bylaw prescribes, the repayment of a mortgage given by 263714 Management Inc. in respect of a project, being the construction of a multi-purpose ice arena to be located on part of lot 27, concession 1, formerly in the township of Saltfleet, now in the city of Hamilton,

**Mr. Good:** Is that up over the mountain?

**Mr. Deans:** It's not over the mountain, no. It's in the east end of the city.

Section 2 then sets out the provisions that have to be abided by. The provisions are as follows:

The bylaw shall provide that payments under the guarantee by the corporation of the city of Hamilton are not to exceed the sum of \$200,000 for a period not to exceed 10 years, and may provide for such equity interest by the corporation of the city of Hamilton, in the project or in the company or for such other security as the council considers advisable.

3. Where a guarantee is given by the corporation of the city of Hamilton pursuant to a bylaw passed under section 1, the Treasurer of the corporation may from time to time examine and inspect any of the books and records of 263714 Management Inc. during the period of the guarantee.

4. A bylaw passed under section 1 does not take effect until approved by the Ontario Municipal Board in accordance with the Ontario Municipal Board Act.

I want to start at the bottom and work my way through it. If the corporation of the city of Hamilton passes a bylaw and that bylaw states that they will guarantee the maximum extent of \$200,000 per year for a period not to exceed 10 years, they have then complied with this Act. That's all that this

Act requires of them. The Act doesn't say they must take out any form of equity. It doesn't say that they must take any particular specific forms of guarantees. Therefore the Ontario Municipal Board, as I understand it, would be required to deal only with whether or not the municipality had complied with the Act.

The Act specifically gives them the power to guarantee to the extent of \$200,000 per year for 10 years. It does not require the municipality to undertake to guarantee in any form that it will be repaid. So anyone appealing to the Ontario Municipal Board against the municipality having taken the action and passing the bylaw, could only appeal on the basis of whether the municipality did pass such a bylaw—and whether that bylaw was to the extent of \$200,000 a year, and was for 10 years.

**Mr. Good:** The terms of the condition—

**Mr. Deans:** No, because the terms can't make the condition of the OMB. There is no requirement on the municipality under the Act to have any terms. And therefore whatever terms are satisfactory to the municipal council are in compliance with this Act. That's as far as it goes.

I may misunderstand something along the way, but I don't believe the Ontario Municipal Board has the power to alter an Act. All it has the power to do is to interpret whether the municipality is complying with the Act.

**Mr. Good:** No.

**Mr. Deans:** Wait a minute.

**Mr. Good:** They wouldn't use their discretionary powers before they pass a bylaw.

**Mr. Deans:** No, the OMB's only function is to determine whether the bylaw is in compliance with the Act.

**Mr. V. M. Singer (Downsview):** Oh, no.

**Mr. Deans:** No? I checked it out and I'm told that as long as the municipality complies with the Act by passing a bylaw—

**Mr. Singer:** Any bylaw, no matter what it says?

**Mr. Deans:** —and if that bylaw that is passed does not contravene any section of the Act, they will then have complied.

**Mr. Singer:** J. A. Kennedy believed he had a mission to exercise discretion.

**Mr. Deans:** I don't care about Kennedy. I'm talking about the function of the board.

**Mr. Singer:** A lot of people disagreed with him sometimes.

**Mr. Deans:** I'm talking about the function of the board as it exists today dealing with this Act. I'm not talking about its function in dealing with any other Act because there isn't a precedent to go on. There is no precedent for this. Therefore, as long as the municipality complies with that section of the Act which says it must pass a bylaw, it can impose whatever terms it wishes. My understanding is that those terms are not then subject to review by the board because that's not a condition of the bill. It's simply a suggestion within the bill.

I want to suggest to the minister that the bill should contain very clearly what the terms and what the provisions and what the requirements are to be. If a municipality is to go into the business of guaranteeing private funding with taxpayers' money and if we're going to set a precedent by allowing this to occur in the Province of Ontario, then we should make sure that the precedent that we set is one that will stand up under close scrutiny.

As I read the bill, as long as the municipality of the city of Hamilton passes the bylaw, they can set whatever terms or conditions they wish. They may or may not take equity either in the corporation or in the arena, or they may or they may not take any other security. That's left up to their discretion and whatever security they decide to take would be well within the broad ambit of this legislation. I really don't think that's enough at this point.

If this was something that was being done regularly throughout the province, if this was a normal course of events within the Province of Ontario and there were some precedents to be referred to in the province with regard to other municipalities having done likewise and if there were the opportunity then for residents of the municipality to make reference to and to use those examples for presentation before the Ontario Municipal Board, if they were opposed to any section of the contract agreed to by the municipality, then we might be able to leave it as broad as the minister has left it.

I think it is too open-ended and too wide in its scope. In this instance, we should be much narrower in the scope that we're going to afford the municipality in order that we can guarantee the taxpayers that their interest can be protected before the OMB—not that

they will be. I can't guarantee they will be protected but I want to be sure that they can be protected. I think what we have to do is to include some phrase which says that all terms of the agreement and all terms of any guarantee or security entered into are subject to the approval of the Ontario Municipal Board and that all terms then are subject to any individual or group of individuals who want to appeal to the OMB with regard to the appropriateness of the project or to the way in which the funding is being undertaken, that all of those terms can be put before the OMB properly. I don't think that's in this bill and I think that any lawyer looking at it would come to that conclusion. It's the conclusion that I came to after consultation.

I want a guarantee that if someone doesn't like the guarantee the city has undertaken the OMB has the constitutional authority to deal with it. I want to know under which of the expenditures of the municipality the OMB is going to consider this? Is it going to consider the \$200,000 a year under normal expenditures or is it going to consider it as part of the capital expenditure of the municipality? Against which will it be apportioned when the board is making the determination as to whether or not the \$200,000 a year up to a maximum of \$2 million is to be approved within the expenditure ceilings imposed by the municipality? I would like to have an answer to that, too.

I think the names of the principals of the company No. 263714 Management Inc. should appear in the legislation because that company can change hands very quickly.

**Mr. Good:** That's a good point.

**Mr. Deans:** I think the principals' names should appear in the legislation I think, further, the municipalities should be required by this law to have a person sitting on the board of directors of that company.

I think further there should be a requirement of this law that there be a proper audit conducted on a yearly basis, not simply when and if the municipality desires it to occur. There should be a requirement rather than a provision which may or may not be exercised.

I think, further, the municipality should then be party to the negotiations with this management corporation, this No. 263714 Management Inc. The municipality of the city of Hamilton should be a party to any of the negotiations currently going on between this operation and money-lenders for the purposes of building that particular arena.



In other words, if we are going to be tied in to the extent of \$2 million, I want to be part of the agreement and I want to be part of the negotiation. I want to know what it is that we are tying ourselves into. I want to know who we are borrowing the money from, as a citizen and as a taxpayer. I want to know what the interest payments are to be and the term of the interest payments and whether or not the interest payments are for the duration of the mortgage or whether it is a two, three, five or 10-year renewable mortgage.

I want to know that things because only then can I make a reasonable assessment of whether or not the \$200,000 a year we are going to put into it is secured and safe; and whether or not it's possible, no matter what the attractions are that appear within that arena, for the arena to be self-supporting. I think we deserve to have a part in all of that. I think it is important that those things be contained in the bill which authorizes the municipality to do this.

We should say subject to these provisions; subject to them being a party to the agreement, subject to them auditing the books, subject to all of the things I have said; if all of those provisions are met, the municipality can pass a bylaw and that bylaw shall contain all of the provisions. Everything contained within the bylaw—let me go back—every part of the arrangement between the municipality and this corporation shall be contained within the bylaw and everything contained within the bylaw shall be subject to the approval of the Ontario Municipal Board.

Then we are guaranteed; at least we are guaranteed that it will be heard, at least we are guaranteed that it will be reviewed; at least we are guaranteed that if I or one of my constituents wants to make representation for or against the transaction, the part they are particularly concerned about is rightfully before the OMB. Someone can't get up and say, "Wait a minute; there is no requirement on the municipality to do that, therefore whatever they have done is their business. The OMB has no right to involve itself in that because that is not obligatory within the legislation." In other words, make it mandatory.

Other than that, as I say to the minister, I began with grave reservations, I end by saying the bill should be five or six pages instead of one page and I suggest that unless the minister is prepared to make those kinds of changes he is opening up a very dangerous area.

Municipalities shouldn't be in the position of guaranteeing private loans, and that's what they are doing. They shouldn't be in that business at all, and the minute they get into it, then I don't know where it ends. I frankly don't know where it ends. I would much prefer that we could have done it differently, because I don't think this is a very good method.

I have one final question—I was trying to remember what it was and now I do remember—I want to know where the municipality stands in terms of the recovery? They don't hold a mortgage. They are simply guaranteeing to a certain extent an existing mortgage. So if they don't hold a mortgage, where do they then stand in the event of default? How do they claim? What do they claim? Where do they stand in court if there is a default in payment by the corporation to the mortgage holder and the mortgage holder repossesses the building? What is the position of the municipality, the city of Hamilton, if and when that occurs?

Everybody tells me the fact that we now have a guarantee of a WHA franchise is somehow or other going to be the silver lining at the end of the long process. I hasten to point out that the Pittsburgh Penguins just went bankrupt. If the minister can answer those things for me, I would like the bill to go to committee, because frankly I think it is not adequate.

**Mr. Speaker:** The member for Downsview.

**Mr. Singer:** Mr. Speaker, I have listened with considerable interest to the comments of the hon. member for Wentworth and, quite frankly, I can't find myself in agreement with very many of the questions that he asked. I don't think really he has discovered a new world when he asks these questions. He has just failed to look very carefully at the Municipal Act, particularly sections 64, 66 and 62. When he was casting around for precedents I don't think he remembered—or perhaps he wasn't too concerned about it—the question of hearings before the Ontario Municipal Board and the approval of the application of the municipality of Metropolitan Toronto for the construction of an expressway, sometimes called Spadina.

**Mr. Deans:** But that's a public work; over here it's a private concern.

**Mr. Singer:** Hold on, hold on; all right just hold on. The member will get chapter and verse before I am through.



**Mr. Deans:** Don't compare apples and oranges.

**Mr. Speaker:** Order.

**Mr. Singer:** I sat quietly while the member talked. If he wants to talk some more, go ahead and I will sit down. When I am through, I will let him talk.

**Mr. Deans:** I ask the member not to talk about two different matters.

**Mr. Speaker:** The member for Downsview has the floor.

**Mr. Singer:** I am sorry I am aggravating the hon. member, but he is wrong and I must tell him that he's wrong.

**Mr. E. J. Bounsall (Windsor West):** Order there, Mr. Speaker. Keep him on the topic.

**Mr. Singer:** What happened in the Spadina case was that there was some question about the ability of the Municipal Board to question the wisdom of the Spadina decision by the municipality of Metropolitan Toronto, and many people believed that all they could inquire into was the financial ability of the municipality. Now Mr. Kennedy, who wrote the dissenting opinion there, based his opinion on section 62, and if we look at section 64, which refers us through section 66 and then back to section 62, Kennedy interpreted section 62 as giving the board power to inquire in any way into the wisdom and/or circumstances of the particular matter that was before it. I think he was probably right in law, even though the function of the Municipal Board hadn't gone that far before. Let me read section 62:

The board on any application of a municipality for approval of the exercise by a municipality of any of its powers, or the incurring of any debt or of the issue of any debentures or of any bylaw, before approving the same shall make such inquiry into the nature of the power sought to be exercised, or undertaking that is proposed to be or has been proceeded with, the necessity or expediency of the same.

Now that covers reasons, that covers wisdom—

**Mr. Deans:** It says "the nature of the power."

**Mr. Singer:** —that covers financial ability; it covers all those things.

**Mr. Deans:** It says "the nature of the power."

**Mr. Singer:** Yes, "the nature," "the necessity" and "the wisdom." That's what it says. That's the way it is written. I am not making these words up. They are there. They are in the statute. The member asks about guarantees and I draw his particular attention to section 64(5) which says:

This section applies to the guarantee by a municipality of the debentures, bonds or other securities of any other municipality or of any other person or corporation whatsoever or of the payment in whole or in part of the sinking fund or principal of such debentures, bonds or other securities and no guarantee thereof shall be made or entered into or a by-law on that behalf be passed by any municipality under the provisions without the approval of the board.

That talks about guarantees and that is section 64(5).

**Mr. Deans:** That's right.

**Mr. Singer:** All right; so then go over to 66 which refers back to section 62, so there is the power.

What the hon. member is suggesting—and I say he is wrong—is that this Legislature should write the whole agreement and put it in the statute. I think he is wrong in that.

**Mr. Deans:** The agreement must be properly a matter that can be before the OMB.

**Mr. Singer:** I think somewhere along the line it is important that we give to the municipalities certain autonomy. For better or for worse, the citizens of Hamilton chose their municipal council. They are there and they have certain powers. That bylaw is before us because the council, or the majority of them, asked that it come here. There are safeguards there and I don't think, Mr. Speaker, that we should write in 19 or 20 sections saying what the mortgage should be, or that the guarantee should bear such and such a date and that the interest rates should be so much and so on.

**Mr. Deans:** No one is suggesting—

**Mr. Singer:** If they are making mistakes, then the council can be called to account by the voters who put them there; but there are powers to control, there are powers of inquiry in the Ontario Municipal Board Act, and I think, in keeping with what many of us have said over a long period of time and louder in recent years, we should give more autonomy back to the municipalities. There are safeguards there in the Municipal Board Act.

Mr. Deans: No there aren't.

Mr. Singer: The member might say no there aren't; I say yes there are. I read him sections 64, 66 and 62—

Mr. Deans: The fact that the member can say it loudly doesn't make him right, it just makes him loud.

Mr. Singer: I am sorry the hon. member for Wentworth keeps on interrupting. The sections are there, and as I read them, I disagree completely, absolutely and unqualifiedly with the opinion put forward by my friend. I think he is wrong. I think those sections have to read the way they are written. They are there and there can be that kind of inquiry.

So I say, Mr. Speaker, that I—

Mr. Deans: The member for Downsview is wrong.

Mr. Singer: —believe the member has a right to get up and say he doesn't like the bill. If he doesn't like it, obviously he doesn't. If he doesn't like what his local council did that's part of his responsibility; let him vote against it. But I say that with the safeguards, the powers and the provisions that are in the Act, citizens who are concerned can come before the Municipal Board and ask the questions the hon. member wants asked.

I don't think it should be the responsibility of this Legislature to write the agreement; for better or for worse, the council of Hamilton has made their decision. It is here. I see nothing wrong with the bill and my colleagues and I are going to support the bill in its present form.

Mr. R. Gisborn (Hamilton): East): Mr. Speaker, I am very skeptical about the bill. The first reason is because of the way it was brought about. Out of a blue sky the proposition was put to city council that they entertain a deal with two people in the city of Hamilton—I don't think it's necessary to name names. Council was to entertain the idea of selling to a consortium that is not named yet, a large piece of land in the east end of the city of Hamilton to build an arena. All of the reasons that could be given to support the deal were given by the mayor of the city of Hamilton and some supporters of the action. Only two names were given as principals in the scheme. Questions were asked about other people who might be involved as principals in the deal, but those answers haven't been given as yet.

I am not convinced the member for

Downsview is correct in his interpretation of how section 4 of this bill would work; that is a bylaw passed under section 1 does not take effect until approved with the Ontario Municipal Board, in accordance with the Ontario Municipal Board Act. I have observed the public going before the Municipal Board many times in my past experience as a member. The Municipal Board is very careful about how it handles the opposition to a particular request of a municipality in this regard. The public does not have the kind of access and kind of protection under the Ontario Municipal Board Act and its references under the Municipal Act as one might assume.

The controversy has split the city of Hamilton about 50-50. When the city of Hamilton missed its opportunity to have a private bill passed because of the time limit, it was in a quandary.

The mayor arranged an appointment with the Treasurer of this province (Mr. McKeough), he met with him in a hurry, returned to Hamilton, and did his dance of glee. He was very happy about the meeting. The Treasurer was going to look after everything and everything would be fine, even though the controversy as to the kind of a deal that was propositioned has split the city of Hamilton 50-50, among both the politicians and the public in my estimation.

Therefore, the government brings forward such a bill which in a sense gives encouragement to the kind of a deal I feel is going to be perpetuated on the public in Hamilton. This kind of a bill can be used as encouragement to adopt the scheme. I think it should be taken back, should be given further scrutiny and should be tightened up in consultation with the council of the city of Hamilton as to what it really intends to do and to find out who are the principals involved in the corporation No. 263714. We want to know the answers to those questions.

I join with the member for Wentworth in the idea that we're in favour of an arena in the city of Hamilton and not strictly because of the fact that it might have a World Hockey Association franchise but because we need an arena so that the children and the public can use it for other purposes in periods when it is not used as an ice arena.

We think the bill should have provided that the land only be leased and not sold to the consortium. That wouldn't change the objective as put forward in any way at all. We think the equity should be perpetual on a share basis when the city of Hamilton,



with the taxpayers' money, is going to make this guarantee.

I think there should be provided in this bill an independent audit, not just letting the city of Hamilton have a look at the books. In the first place, some of those who are strongly in favour of this kind of a scheme are so strongly in favour of it they would let things go to the point where they would be paying \$200,000 each year for the 10 years, and then God knows what happens from that point on. The bill doesn't tell us if they are in default on a mortgage payment for the first two years after they get the arena built, and then they have a bonanza, that the money is paid back to the taxpayers of the city of Hamilton. There is nothing in there about that.

I am sure after all I have heard about the scheme through the two sessions it has had at city council those kinds of protections haven't been mentioned as being built into their ideas. I am very sceptical about the proposition.

I haven't heard from the Minister of Transportation and Communications (Mr. Rhodes), as to whether this kind of a project will interfere or be interfered with by the development of the Stoney Creek circle, which is taking place in the same district. When I look at the plans for the reconstruction of the traffic circle, I can't help but think this programme is going down the drain or there are going to be some drastic changes made to accommodate this kind of a scheme.

Has the minister looked into the kind of proposition this is on the sale of the land at about one-third of the market price? That is the proposition made by the promoters to the city council. It is not the fair market price to which the taxpayers should be entitled. Those are the kinds of questions that concern me and make me very sceptical about this kind of a proposition.

It does establish a precedent, there's no doubt about that. In my term I remember this kind of proposition being put forward by the government to satisfy a quick idea brought forward by a part of the city council. My fears may be relieved by the fact that maybe the city council in its wisdom will find enough support to turn down the kind of proposition that's before us at this point and strengthen the hand of the public in the city of Hamilton before the bylaw is passed. If we can do that, so much to the good. What I'm afraid of is that this kind of a bill gives strong encouragement.

As I say, the mayor went back and danced his dance of glee and said: "We're all on our way, boys. The Treasurer has promised me that he'll have some legislation in very shortly to establish the way for us to go ahead with this scheme."

I think the minister should take it back and consult with others on the city council, those in opposition to this kind of scheme. There are enough there to give him some idea of their scepticism and their fears so that we can tighten up the kind of a bill that's before us today.

Hon. Mr. Beckett. Mr. Speaker, this bill has a rather peculiar history. It was the request of the Hamilton city council for a private bill. It became obvious at that time that it was not going to be able to qualify because of the time restrictions. They were not going to be able to advertise for the required time. The city of Hamilton by resolution made a request to the Treasurer asking for this authority for this project. There were many concerns shown by the Treasurer and by the staff. As a result of those concerns, the provisions of the Ontario Municipal Board were added to the bill, which the city of Hamilton did not request.

I think the problem we have, Mr. Speaker, is the fact that this is a request from a council composed of, as I understand it, 19 elected people representing a municipality of approximately 300,000 population. It's their wisdom to request this piece of legislation.

The ministry has attempted to put some safeguards in the legislation and I would like to reiterate some of the points that were made previously. There is the automatic protection of sections 63, 64 and 65 of the Ontario Municipal Board Act. The question of the equity was raised by one of the hon. members. It's my belief that the equity is covered in the last two lines of section 2 of the bill which reads: "or in the company or for such other security as the council considers advisable."

The other point, Mr. Speaker, is the fact that notwithstanding any general or specific Act, the OMB must approve expenditures if it goes beyond the life of a council. As you are aware, sir, this is for a period of 10 years. The Ontario Municipal Board approval is required, and if it disagrees with the terms of the agreement it can withhold approval.

I think, Mr. Speaker, in a very short way this attempts to point out the concerns of the ministry and why the protections were



put in. I hope this has answered some of the questions of the the hon. members opposite.

**Mr. Deans:** Could I ask a question? We may be able to save it from going to committee if I could ask a question.

In order to satisfy my concerns, would you consider making it mandatory that any of the equity or security arrangements and the auditing and inspection of the books become a part of the bylaw? In other words, rather than having "may be," that they "shall be"? In order to guarantee that the OMB does have the right to see them and the people have the right to require that they be made public.

**Hon. Mr. Beckett:** It is my understanding, Mr. Speaker, that this will be going to the Ontario Municipal Board. The other question I think is that the—

**Mr. Deans:** Then we have to go to committee. Let's go to committee, because it is quite obvious I am not getting through.

**Mr. F. Young (Yorkview):** Could I ask a question of the minister in connection with this bill?

**Some hon. members:** It is going to committee.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Should this bill go to committee of the whole House?

**Mr. Deans:** Committee of the whole House.

**Clerk of the House:** House in committee of the whole.

#### CITY OF HAMILTON ACT

House in committee on Bill 120, An Act respecting the City of Hamilton.

**Mr. Chairman:** The hon. member for Wentworth.

On section 1:

**Mr. I. Deans (Wentworth):** Thank you. I want to deal with sections 1 and 2 together, because they are tied together. I want to ask the minister—

**Mr. Chairman:** Does anyone else want to speak on number 1 first?

**Mr. Deans:** I am talking to section 1, actually. It's the terms and conditions section that I am really talking about. It says: "On such terms and conditions as the bylaw prescribes." Okay? I am talking about the

beginning: "Subject to sections 2, 3 and 4, the council of the corporation of the city of Hamilton may by bylaw guarantee on such terms and conditions as the bylaw prescribes." That is the key part as far as I am concerned.

The member for Downsview can argue all he likes, but my concern in this is that—

**Mr. V. M. Singer (Downsview):** I've tried to explain it to the hon. member.

**Mr. Deans:** What you said before didn't impress me either, so that's okay.

**Mr. Singer:** I am sorry. You are so hard to impress.

**Mr. Deans:** What worries me is that if the Ontario Municipal Board were required to approve the bylaw, which is what they would be doing, we would have to guarantee that all of the terms and conditions that were being negotiated and agreed to were contained within the bylaw. That's what I was at originally. In order that the public would have access to all of the agreements and could determine whether or not those agreements were satisfactory to them—the public who are going to pay the bill—we would have to guarantee that the terms and conditions are contained in the bylaw. Otherwise they could be signed separately and at some later date.

I am asking you now whether in section 2 and in section 3 you would agree to change the word "may" in the fourth line to "shall", so that it would read:

The bylaw shall provide the payments under the guarantee by the corporation of the city of Hamilton are not to exceed the annual sum of \$200,000 for a period not to exceed 10 years and shall provide for such equity interests by the corporation or the city of Hamilton in the project, or in the company or for such other security as the council considers advisable.

In other words, I want the bylaw to contain that. I don't want it to be "may be in the bylaw" or "may not be in the bylaw"; I want it to guarantee that the bylaw shall contain that so the matter can go to the OMB legitimately. I don't want somebody to argue three months from now that there was no provision in the bill which made it mandatory that that be part of the bylaw and therefore it is not properly before the OMB.

That's what worries me. I would like to see that word changed to "shall." I would ask also that in section 3 the word "may" in the third line also be changed to "shall" to

make sure that eight years down the road the municipality still feels it has an obligation on an annual basis to audit and inspect the records and books of the management company in order to ascertain whether or not the \$200,000 is being properly applied or otherwise.

I would like those two words changed. That would go a long way toward helping me to see my way through the bill.

**Hon. R. B. Beckett** (Minister without Portfolio): Mr. Chairman, I am prepared to accept that as an amendment, if it makes the member feel better about it. I think the implication is there, but we are prepared to accept it and we will prepare an amendment.

**Mr. Chairman:** You were talking on sections 1, 2 and 3. We could proceed on to sections 4, 5 and 6. Does any other member wish to speak on them?

Section 1 agreed to.

On section 4:

**Mr. R. Gisborn** (Hamilton East): I have two questions. I have a question on the answer the minister gave on second reading and I have a question under section 4. The minister explained it was a request by the city council that brought this bill about. Would the minister be able at this time to explain to me how and in what manner the request was made? Was it made officially as a request from the council or strictly from the mayor's office; or how was that request made?

**Mr. Chairman:** Does the minister care to reply?

**Hon. Mr. Beckett:** Yes, Mr. Chairman. It is my understanding—and I will attempt to find the actual document itself—that it was a council resolution. It says:

Passed on May 13, 1975, the corporation of the City of Hamilton bylaw No. 75-133, to authorize application to the Province of Ontario for legislation respecting an arena proposed to be located on the west side of Centennial Parkway, Highway No. 20, on the south side of the Queen Elizabeth Way.

**Mr. Singer:** It is more than a resolution; it is a bylaw.

**Hon. Mr. Beckett:** Yes, the bylaw is duly signed by the clerk and the mayor and it has a covering letter.

**Mr. Gisborn:** Section 4 says: "A bylaw passed under section 1 does not take effect until approved by the Ontario Municipal Board in accordance with the Ontario Municipal Board Act." Does that mean that under the usual procedures a Municipal Board hearing can be demanded by application of a citizen of the city of Hamilton?

**Hon. Mr. Beckett:** Mr. Chairman, if I understand the question correctly, since this expenditure is going to take place in a period longer than the term of the council, it must go to the Ontario Municipal Board for a complete examination.

**Mr. Gisborn:** I am wondering if under this bill one can force a Municipal Board hearing, that is a municipal hearing in the city of Hamilton to oppose or change the original bylaw that is finally passed by the city of Hamilton.

**Hon. Mr. Beckett:** Mr. Chairman, it is my understanding that it is automatic there would be a hearing. I believe that letters have already been sent to the Ontario Municipal Board requesting a hearing and the Municipal Board has sent back the word this is not before it.

**Mr. Gisborn:** I think you are talking about a different thing. The bylaw will go to the Municipal Board for approval, that is a bylaw passed by city council. I am wondering and want assurance that under the usual practices a citizen of the city of Hamilton can demand a hearing before the Municipal Board to oppose, contest or change the bylaws passed by the city of Hamilton.

**Hon. Mr. Beckett:** Mr. Chairman, it is my understanding that the board before making any order shall hold a public hearing after such notice has been given and so on.

Sections 4 to 6, inclusive, agreed to.

**Mr. Chairman:** May we now revert to sections 2 and 3 on which the minister had indicated there would be amendments to satisfy points raised by Mr. Deans?

Agreed.

**Hon. Mr. Beckett** moves that section 2 of the bill be amended by substituting the word "shall" for the word "may" in the fourth line.

Motion agreed to.

Section 2, as amended, agreed to.

**Hon. Mr. Beckett** moves that section 3 of the bill be amended by substituting the

word "shall" for the word "may" in the third line.

Section 3, as amended, agreed to.

Bill 120, as amended, reported.

Hon. Mr. Beckett moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with certain amendments and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 120, An Act respecting the City of Hamilton.

### MUNICIPAL AMENDMENT ACT

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves second reading of Bill 107, An Act to amend the Municipal Act.

**Mr. Speaker:** The hon. member for Waterloo North.

**Mr. E. R. Good** (Waterloo North): The main thing in this Act, Mr. Speaker, is section 8. That is the only section I want to deal with at the present time.

**Mr. R. F. Nixon** (Leader of the Opposition): Don't rub the wrong way.

**Mr. Good:** This is the legislation which is going to permit the municipalities to pass bylaws to regulate and license the so-called body-rub parlours. Undoubtedly, it is a direct result of the need which has been created by the change which has taken place on Yonge St., a few blocks from here, in the last few years.

Some people say there is more dirt on Yonge St. now than when they dug the subway. Probably to a great extent that is correct.

The exploitation of nudity, pornography and sex has changed what was once a fine street of nice shops and good stores into a rummy section, a type of street that one hesitates to take his wife over to some of the

good eating establishments which still remain on Yonge St. One is confronted with signs, large pictures of nudes and solicitors out on the street trying to get one to visit these things.

**Mr. G. W. Walker** (London North): The member means people soliciting.

**Mr. Good:** People soliciting, yes. There is no doubt in my mind that the lucrative monetary return coupled with the lack of proper legislation to control this type of thing has resulted in encouraging the growth of these questionable, and to many of us objectionable, establishments.

**Mr. R. Haggerty** (Welland South): The Minister of Health should have been doing this.

**Mr. T. P. Reid** (Rainy River): What will the Minister of Health do with them?

**Hon. F. S. Miller** (Minister of Health): I will inspect them.

**Mr. Good:** The legislation before us today is to permit the municipality to pass bylaws to control these so-called body-rub parlours. This has now been put out as part of this Conservative government's new emphasis focusing public attention on the excesses of violence, of permissiveness and the need for new law and order.

**Mr. W. Ferrier** (Cochrane South): That is what Richard Nixon said, "law and order." Remember what happened to him?

**Mr. Good:** In my view, if the Premier (Mr. Davis) had any deep feelings on permissiveness, something would have been done long ago and Yonge St. wouldn't be in the state of decadence that now exists. That's exactly how I feel about it.

Some municipalities have tried on their own to do something about it. The city of Kitchener passed a bylaw under section 368 of the Municipal Act—subsection 2 I think it was. They had to include into their licensing arrangement all registered masseurs. This was not a very healthy situation, but it was the only authority they could find which they thought would give them bylaws that would stand up in court. They have licensed establishments of this nature and they have cancelled licences under this basis. The city of Ottawa attacked it from a different source from the health studio section.

There has also been opinion that under section 242 of the Municipal Act, municipalities would have had an opportunity to



pass bylaws. That section, Mr. Speaker, reads:

Every council may pass such bylaws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law for governing the proceedings of the council, the conduct of its members and the calling of meetings.

Some municipalities were on the verge of trying to control these establishments under section 242 of the Municipal Act. Whether or not they would have been successful is questionable because certain powers required for their control evidently would not be enforceable under that section of the Act.

I believe quite strongly, Mr. Speaker, that there should have been provincial legislation in this area some time ago. I think the province has been negligent in not bringing in provincial legislation or not threatening these establishments with provincial legislation. It's a funny thing to me that a minister can utter a few words and he can get the chain stores to back off using credit cards for grocery purchases; or he can utter a few more words and get them to back off computerized scanners for the pricing of groceries. But the Premier of this province sat silent and did nothing to either alarm or scare these operators with provincial legislation. In the last analysis, we get a watered-down version which allows the municipalities to pass bylaws to regulate these. It should be a provincial responsibility, Mr. Speaker—

Mr. Haggerty: Like a noise bylaw.

Mr. L. Maeck (Parry Sound): What about Bracebridge? What about the local autonomy issue?

Mr. Good: —so that there would be regulations all across this province. It's going to take some pretty sophisticated bylaws to regulate these establishments in the various municipalities across the province, and I'll get into that a little later, Mr. Speaker. In my view, there must at least be, accompanying this bill, an all-encompassing model bylaw so that the municipalities will know what they're up against in trying to regulate these establishments.

There are some deficiencies, I feel, in the sections which give the municipality power, and I would just like to speak a moment on that.

The municipalities are given power to pass bylaws to provide for regulating the placement, construction, size, nature and character of the signs, advertising and advertising devices posted or used for the purpose of promoting body-rub parlours. Actually, Mr. Speaker, we all know just by walking up Yonge St. that the signing and the advertising is very objectionable to the pedestrian. Even Shriners visiting town all this week have said they are amazed the city would allow such objectionable signs up and down what used to be the finest street in the nation, I'm sure.

Bylaws may be passed which allow for the licensing, regulating, governing and inspection of body-rub parlours and for the revoking and suspension of those licences.

I suggest that particular section does not go far enough. I believe not only that the establishments have to be licensed—I hope the minister gives this serious consideration before we get into committee and that he will consider amendments—but that all the operators and employees of those establishments should be licensed. I think that is most important for reasons I will get to a little later.

There must not only be powers to license the establishment but there must be powers to license the employees. There must be powers in here to look into the character and the criminal records of the owners, the employees, the shareholders and anyone connected with this type of operation. All hon. members will have read the reports in the newspapers indicating that the whole sex business on Yonge St. could very well be in the hands of organized crime, that they are trying to get into it. This is something which I think has to be given very serious consideration. Only by licensing and looking into the character of everyone connected with these establishments are we ever going to clean them up.

I know there would be a great constitutional hassle if the legislation were such that it tried to prohibit them. I understand from my lawyer friends that undoubtedly there would be a constitutional hassle as to whether or not the province would have the authority to outlaw them completely, but under the legislation the municipality can restrict the numbers. I suppose as long as you allow only one you would comply with the bylaw and you would not be prohibiting them; they might get away with that.

I certainly believe there must be guidelines laid down in a model bylaw as to how these establishments should be controlled, because

in my view the exploitation of nudity, sex and pornography along Yonge St. is being promoted because of the huge monetary gains involved with it. While we have laws prohibiting the procuring of money by living off the avails of prostitution, we have no laws for people who are living off the sex, pornography and nudity business that goes on in many of these places.

The newspaper reports have given a pretty accurate picture, I think, of what goes on. One report a few weeks ago stated that 2,200 people were demanding that body-rub parlours be closed in Scarborough. An article in yesterday's Star stated that some who feel they are legitimate operators have banded together and they want to sit down and find ways to clean up because they feel they are operating a pure operation. At one place in the article, I believe, one owner said he believed there could well be prostitution going on in some of the other establishments.

The bylaw which I think would clean up the whole situation is probably best described in what is now a city ordinance in the city of Lewiston, Idaho.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, if the hon. member would care to adjourn the debate at this juncture, Her Honour awaits to give royal assent to certain bills.

**Mr. Good:** I will do that. I am supposed to be in a committee at 8 o'clock, but I will adjourn the debate now.

Mr. Good moves the adjournment of the debate.

Motion agreed to.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the legislative assembly and took her seat upon the throne.

### ROYAL ASSENT

**Hon. Pauline M. McGibbon** (Lieutenant Governor): Pray be seated.

**Mr. Speaker:** May it please Your Honour, the legislative assembly of the province has, at its present sitting thereof, passed certain bills to which, in the name of and on behalf of the said legislative assembly, I respectfully request Your Honour's assent.

**The Clerk Assistant:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 45, The Liquor Licence Act, 1975.

Bill 75, An Act to reform certain Laws founded upon Marital or Family Relationships.

Bill 86, An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies.

Bill 92, An Act to amend the Mechanics Lien Act.

Bill 93, The Ministry of Transportation and Communications Creditors Payment Act, 1975.

Bill 94, An Act to repeal the Public Works Creditors Payment Act.

Bill 101, The Regional Municipalities Amendment Act, 1975.

Bill 106, An Act to amend the Workmen's Compensation Act.

Bill 112, An Act to amend the Territorial Division Act.

Bill 113, An Act to amend the County of Oxford Act, 1974.

Bill 114, An Act to amend the Municipality of Metropolitan Toronto Act.

Bill 120, An Act respecting the City of Hamilton.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

**Clerk of the House:** The 13th order, resuming the adjourned debate on the motion for second reading of Bill 107, An Act to amend the Municipal Act.

### MUNICIPAL AMENDMENT ACT (continued)

**Mr. Speaker:** The hon. member for Waterloo North.

**Mr. Good:** Thank you, Mr. Speaker. The intent has to be that bylaws passed by the municipalities must be so rigid, so easily enforced and so without doubt that only operators will be able to stay in business who are known to comply with these bylaws 100 per cent. This is going to mean a great deal of detail in the bylaws. Many things, I think, are held out in the bylaws of the municipality of Lewiston, Idaho, which I think would pretty well eliminate body-rub parlours altogether. The major feature of the bylaw of that municipality is they just don't permit nudity. We are not going to have body-rub

parlours if we don't allow nudity in them any more than we would have horse racing if we didn't have betting.

**Mr. J. R. Breithaupt** (Kitchener): Or horses.

**Mr. Good:** Or horses, as the member for Kitchener says.

Let's go over briefly some of the salient features of this bylaw which I think would be rigid enough to clean up the act, so to speak.

For instance, not only would the establishment be licensed but each employee would have to be licensed and I think that is important. The names and addresses of the people working in the establishment have to be filed with the municipal clerk or licensing bylaw officer at the city hall; and then there are certain requirements, such as a certificate of health from a physician certifying that the applicant does not have any communicable disease. The name and residence address of each applicant has to be on file for each partnership and each shareholder in the establishment. In addition the character of that person would have to be looked into and I think that's important.

We require that, Mr. Speaker, in many other areas; for the formation of a loan or trust company, for example. The Loan and Trust Act allows the registrar to look into the character of the people establishing that type of business. I think that is most important in this particular type of business, not only for the proprietors but, as I have said before, for all those operating.

Another provision in this bylaw which is interesting is a prohibition against any type of room or cubicle being locked within the establishment. At all times the police enforcing bylaws would have access to the establishment without any delay as far as it concerns getting in to check whether the bylaws are being complied with.

A written declaration by the applicant under penalty of perjury that the information contained in the application is true and correct would have to be signed and dated within that city. The municipality would be given a reasonable length of time in which either to reject or grant a licence.

The bylaws go on in great detail regarding the making of false statement. The age of anyone working in the establishments is spelled out as a minimum age of 18 years. There will be no transfer of licensing without proper authority from the licensing body. In another section in this bylaw, Mr. Speaker, it says:

Every person who operates a massage establishment or practises or provides these services at all times shall keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place; and the services provided. Such appointment book shall be available at all times for inspection by the police chief or his authorized representative.

Now it is interesting to note that is one of the provisions in the city of Kitchener bylaw. I was told, with no reflection on the member for Hamilton Mountain (Mr. J. R. Smith), that there are more "John Smiths" listed on the books than anyone else.

**Mr. Reid:** He is a busy boy.

**Mr. Good:** Perhaps the analogy was not good.

But I think that point is important, because the whole idea of licensing is to either clean them up or get them out of business entirely. In my view, I think the bylaw should be drafted in such a manner that they would soon be out of business.

And then details must be given as to the construction of the establishment. I think all these things are important regarding cleanliness and the matter of the rooms. No rooms may be locked and at all times they must be available for inspection. And it also says:

No person shall publish or distribute or cause to be published or distributed any advertising matter or business identification card that states or depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than a massage as defined under the section of this ordinance.

And this is one of the great fears in connection with the establishments, that they are a front for other activities.

The prohibition of nudity in these bylaws, I am sure, would be sufficient to force the closure of them if they are undesirable; and most people agree with me that they are undesirable. They have spelled it out in the bylaws, and I think this is important. They have proclaimed it is unlawful for certain parts of the body to be exposed; this is spelled out in great detail. These provisions are very rigid for those municipalities that really mean business.

If the Premier has as one of his great priorities to do something about permissiveness in our society, he would have tackled the problem years ago before it had reached the proportions that now exist.



Mr. Speaker, I think the ministry should give an undertaking today that it will prepare a model bylaw which would be very rigid and encourage the municipalities to use it.

I would also hope that the ministry would amend this Act to give the municipalities the power not only to license the establishment but all persons employed therein. I think that is most important; that the establishment be licensed and its employees registered with a municipality, and further that municipalities should be given some direction in the form of a model bylaw so that rigid controls can be placed on them. Thank you.

**Mr. Speaker:** The member for Yorkview.

**Mr. F. Young (Yorkview):** Mr. Speaker, may I say first of all it is refreshing to see a Speaker from northern Ontario sitting in the seat of the mighty—

**Mr. E. J. Bounsall (Windsor West):** Pretty knowledgeable Speaker.

**Mr. Young:** —a portent of things to come.

**Mr. R. F. Ruston (Essex-Kent):** He was interested in the drainage business.

**Mr. Young:** I hope that in the next session of the House northern Ontario will find its place in adjudicating the debates of this House.

**Mr. Reid:** I don't want the job. No, I don't want it.

**Mr. Ruston:** I understand he is moving to the far side so we may appoint him that.

**Mr. Bounsall:** He is in training to be the permanent Speaker in the next House.

**Mr. Young:** All right; whichever one of the three groups makes the government—minority or otherwise as the case may be—after the election we hope this kind of recognition will come to northern Ontario. In the meantime let me congratulate you, sir, upon this exalted position and wish you well in your adjudication of this very fiery debate here this afternoon.

**Mr. Speaker:** Now back to the principle of the bill.

**Mr. Reid:** That is as close as he is going.

**Mr. Young:** As far as the principle of the bill is concerned, Mr. Speaker, the first section perhaps cleans up a bit of the bill we were discussing prior to this. It does give the municipalities a chance to demand certain

security in respect to loans they may guarantee. I think that is good and perhaps this is something which should be considered in the other bill.

Section 5, I suppose, is indicative of the kind of help which municipalities may offer to people who have reached the age of retirement or beyond, but it doesn't say so. It says:

(Notwithstanding paragraphs 55 and 57 for providing for the clearing away and removal of snow and ice at the expense of the municipality from the sidewalks and the highways in front of, alongside, at the rear of buildings owned or occupied by any class or classes of persons, and from those portions of walkways between the highways and the public sidewalks on highways as the case may be.

Mr. Speaker, I think I would be a bit happier if the legislation designated the classes of persons meant here. It might well be that a municipality, if it was not too afraid of the voters, might designate that all aldermen might be a class of persons in this respect; or members of the Legislature.

**Hon. R. B. Beckett (Minister without Portfolio):** Pretty short term.

**Mr. Young:** Or anyone that may be well favoured. It seems that if we mean older people or senior citizens or people above the age of 65, this might well be written into the bill and the bill say so.

Certainly the provisions of the bill which empower regional governments to make grants in certain cases, such as public libraries and other grants which up to this point have been the prerogative of the municipalities themselves—that is, the small municipalities—I think are good and should be supported.

As far as we are concerned, the body-rub section of the bill has been well dealt with by the member who has just spoken. I think, by and large, we agree with what he has said. Evidently he has done a great deal of research in this field and we congratulate him on the results of that research. In asking members of this Legislature about this thing and what should be done about it, I couldn't find a single one who had ever been in a body-rub parlour.

Now that is rather a record for an august body like this but it is good to know that we are discussing something here today on which there is 100 per cent lack of actual experience. We read about it in the newspaper and we quote newspaper articles; we quote authorities but we just don't know.

This is a kind of activity which has been

in operation as long as the human race existed—and I suppose it wouldn't exist without it—but it is the kind of activity, the prostitution of the sexual activity of the human race, which is being dealt with here. I don't suppose that anywhere in the world any civilization has ever come to actual grips with the problem. It depends on the moral standards of the civilization. It depends on what they consider right or wrong. Certainly you can go back to some of the ancient civilizations and they had very little moral concern with this sort of thing; it was taken for granted.

Some countries, of course, simply license prostitution and leave it at that. You can go to Canal St. in Amsterdam or the Heinrichstrasse in Hamburg, or Soho; these places where you have licensing for activity like this. It's taken for granted that it is perfectly all right, but regulate it. However I don't think that we in Ontario are ready for that step now, if ever.

One thing the hon. member for Waterloo North mentioned which I agree with completely is that if we are going to have legislation which regulates body-rub parlours then we should think in terms of provincial legislation.

If we give the city of Toronto power to regulate these establishments, and they say we are going to limit them to one, two, three, or we are going to put certain restrictions around them so the blatant operators no longer can carry on along the Yonge St. strip or in the other places where they are operating today, then those same operators will simply go outside the borders of the municipality. This is the way the shopping plaza operators did in years past—they built just outside and brought their customers from the thickly-populated areas. In this way the problem is only transferred to the border municipalities.

I think the concept of provincial legislation is a good one and one which the minister really ought to think about.

I also think the member's suggestion about the patron books—that is if they are inspected regularly—would be one of the things which would scare off a lot of customers. But again, the customers would have to bring birth certificates with them, I suppose, to make sure the names compared on the birth certificate with the name that is going into the book.

So, Mr. Speaker, by and large we agree with the legislation. We will vote for it on second reading. There are some questions we want to ask when it goes to committee,

but these are the remarks that I have to make about it at the present time.

**Mr. Speaker:** Are there any other members who wish to engage in the debate? If not, the hon. minister.

**Hon. Mr. Beckett:** Mr. Speaker, I would like first of all to make clear that though this legislation was requested by Metro Toronto, it is for all municipalities. This theme seems to have come up several times.

There has also been a question of some of the powers within it. I would like to indicate to members that the amendment does not enable municipalities to ban body-rub parlours. Such a power is considered to be a criminal law power which only the federal government may exercise.

There are many other powers in this bill which will benefit municipalities. They all have been requested by municipalities. The member for Yorkview mentioned the question of the removal of ice and snow from sidewalks where the occupants have not been able to do this job themselves. I think it is our feeling that under local autonomy they will only use this power for the aged and the infirm and so on, and not for elected officials as he facetiously indicated.

The other item in the bill empowers counties to prohibit heavy vehicle traffic on county roads. This has been requested many times by county councils so that they could have a measure of control over noise pollution from motor vehicles and a means also of reducing wear and tear on the roads.

I would like to suggest, Mr. Speaker, that this bill would go to committee of the whole House because there is an amendment I would like to present.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand this bill is to go to committee then?

**Hon. Mr. Beckett:** Committee of the whole House.

Agreed.

**Clerk of the House.** Order for House in committee of the whole.

#### MUNICIPAL AMENDMENT ACT

House in committee on Bill 107, an Act to amend the Municipal Act.

On section 1:

**Mr. Chairman:** Shall section 1 form part of the bill?

**Mr. R. Gisborn (Hamilton East):** Mr. Chairman, on section 1, will the minister explain to me or confirm my feelings that section 1 does provide for the subject that we dealt with in Bill 120, but strengthens the questions that were raised as to the guaranteeing of the loan and the loan being made a debt that could be collected and re-collected?

**Hon. R. B. Beckett (Minister without Portfolio):** Mr. Chairman, I believe this is necessary here because we did have an earlier Act this year which gave municipalities the authority, subject to section 248, to make grants to any person, institution, association, group or body of any kind, including a fund, within or outside the boundaries of the municipality for any purpose that, in the opinion of the council, is in the interest of the municipality.

The hon. member raises a question that I think is consistent with the previous bill. It was a decision of the solicitors that the present provisions could not look after the city of Hamilton's request because of the commercial aspect of the development.

**Mr. Gisborn:** Do I understand then that this amendment does not look after the situation in Bill 120?

**Hon. Mr. Beckett:** That's correct, sir.

**Section 1 agreed to.**

**On section 2:**

**Mr. F. Young (Yorkview):** Mr. Chairman, does the requirement for ministerial approval for the termination of pension plans protect the employees? Are they given full protection here? Is this the purpose of this?

**Hon. Mr. Beckett:** Mr. Chairman, it's the purpose of a lot of the legislation to remove the requirement for approval of the minister, as you're well aware, but in this particular case it's my understanding there is now an Ontario Pension Commission; they are specialists in this matter and must scrutinize all applications for changes and so on. It's a specialized group to handle these pension problems.

**Mr. Young:** They take over, in effect.

**Hon. Mr. Beckett:** Yes, sir.

**Mr. Chairman:** Anyone else on section 2?

**Section 2 agreed to.**

**On section 3:**

**Mr. Young.** Mr. Chairman, I'm not clear as to what this means as a change in the taxation of telephone companies. I wonder if the minister would give us a little clearer explanation of what all this means? Does it increase or decrease the taxation rate? Does it change it?

**Hon. Mr. Beckett:** Is this section 3, Mr. Chairman?

**Mr. Young:** Yes, section 3, dealing with taxation of telephone companies.

**Hon. Mr. Beckett:** Mr. Chairman, as you're well aware, and I think all members are too, we've had a great deal of difficulty with private telephone company legislation. The purpose of this amendment really is to clarify the problems that have resulted from the last legislation that we brought in.

**Mr. Young.** That really clears up nothing, Mr. Minister.

**Hon. Mr. Beckett:** There was a similarity in words—

**Mr. Young:** It's a different base of taxation here, I understand.

**Hon. Mr. Beckett:** Well, it clarifies who will be taxed. If you place a call from a small, independent company, then that call is carried by the big chain and so on; this will now clarify the basis of the tariffs. The tax can't be levied against both, I believe. This will clarify the point that the tax will be on what I described as the big chain, and not the small company.

**Sections 3 and 4 agreed to.**

**Mr. Chairman:** Does the hon. minister have an amendment on section 5?

**Hon. Mr. Beckett** moves that section 5 of the bill be amended by adding thereto the following subsections:

3. Paragraph 126 of subsection 1 of the said section 354 as amended by the Statutes of Ontario, 1972, chapter 124, section 10, is repealed and the following substituted therefor:

126. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or



on land abutting on any defined highway or part of a highway and any bylaw passed under this paragraph may provide that a sign or other advertising device that was lawfully erected or displayed on the day the bylaw comes into force but does not comply with the bylaw shall be,

(a) made to comply with the bylaw,  
or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of five years from the date the bylaw comes into force.

126(a) A bylaw passed under paragraph 126 may define a class or classes of signs or other advertising devices and may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

126(b) A bylaw passed under paragraph 126 may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to the provisions of any bylaw of the municipality.

126(c) A bylaw passed under paragraph 126 may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the bylaw and may require any person who,

(a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so, or

(b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to their approved plans in respect to which the permit was issued,

to make such a sign or other advertising device comply with the bylaws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the bylaw specifies.

**Hon. Mr. Beckett:** Mr. Chairman, this legislation has been requested by municipalities for some time in order that they may control what has been to them a problem of this type of signing. It is at the urging of the municipalities that this legislation is being brought in at this time. Thank you.

**Mr. Chairman:** Does anyone care to speak to this?

**Mr. Young:** Mr. Chairman, I have just received a copy of this amendment. It is perhaps a little difficult to take it all in, but if I could ask a question just before 6 o'clock—I understand that the municipality "may" pass, this is permissive legislation regulating signs. A municipality must, I guess, give five years for signs to be brought into compliance with the bylaw, but does it also mean that any sign which is now erected must, as of the date the bylaw comes into force, be licensed and pay a licence fee? Does this hold for signs already erected?

**Hon. Mr. Beckett:** No.

**Mr. Young:** That is, the signs there now may go for five years and if they are not brought into compliance they have to be removed and a new ball game starts at that point?

**Hon. Mr. Beckett:** That is correct.

**Mr. Chairman:** It being 6 o'clock, I think perhaps we could call a halt. It would give the members an opportunity to look at this amendment.

It being 6 o'clock, p.m. the House took recess.

## CONTENTS

---

Thursday, July 3, 1975

Energy prices, statement by Mr. Davis .....	3555
Energy prices, questions of Mr. Davis: Mr. R. F. Nixon, Mr. Lewis, Mr. Bullbrook, Mr. Shulman, Mr. Singer, Mr. Ferrier, Mr. Foulds .....	3559
Energy prices, question of Mr. Timbrell: Mr. R. F. Nixon .....	3563
Land speculation tax effects, question of Mr. Irvine: Mr. R. F. Nixon .....	3563
Government advertising programmes, question of Mr. Winkler: Mr. R. F. Nixon .....	3564
Energy prices, questions of Mr. Davis: Mr. Lewis, Mr. R. F. Nixon .....	3564
Asbestos levels at Canadian Johns-Manville plant, questions of Mr. MacBeth and Mr. Miller: Mr. Lewis .....	3567
Meat labelling, question of Mr. Grossman: Mr. Sargent .....	3568
Boiler inspection at Tilbury plant, question of Mr. Handleman: Mr. Bounsall .....	3568
Bill of rights, question of Mr. Clement. Mr. Bullbrook .....	3568
Housing in Thunder Bay, question of Mr. Irvine: Mr. Foulds .....	3569
Prices in northern Ontario, questions of Mr. Handleman: Mr. Reid, Mr. Stokes .....	3570
Eldorado dump at Port Hope, question of Mr. W. Newman: Mr. Burr .....	3570
Niagara escarpment property controls, question of Mr. Irvine: Mr. Sargent .....	3571
Report, Ontario Junior Farmer Establishment Loan Corp., Mr. McKeough .....	3571
Report, Ontario Municipal Employees Retirement System, Mr. McKeough .....	3571
Petroleum Products Price Freeze Act, Mr. Handleman, first reading .....	3571
Pounds Amendment Act, Mr. Winkler, first reading .....	3571
Environmental Protection Amendment Act, Mr. W. Newman, second reading .....	3572
Ontario Water Resources Amendment Act, Mr. W. Newman, second reading .....	3572
Territorial Division Amendment Act, Mr. McKeough, second reading .....	3572
Third reading .....	3573
County of Oxford Amendment Act, Mr. McKeough, second reading .....	3573
Third reading .....	3574
Municipality of Metropolitan Toronto Amendment Act, Mr. McKeough, second reading .....	3574
Third reading .....	3575
Regional Municipalities Amendment Act, Mr. McKeough, second reading .....	3575
Regional Municipalities Amendment Act, reported .....	3579

---

Third reading .....	3583
City of Hamilton Act, Mr. McKeough, second reading .....	3584
City of Hamilton Act, reported .....	3591
Third reading .....	3593
Municipal Amendment Act, Mr. McKeough, on second reading .....	3593
Royal assent to certain bills, the Honourable the Lieutenant Governor .....	3595
Municipal Amendment Act, Mr. McKeough, on second reading .....	3595
Recess .....	3600









# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, July 3, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975





## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159)

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 3, 1975

The House resumed at 8 o'clock, p.m.

## MUNICIPAL AMENDMENT ACT (concluded)

House in committee on Bill 107, an Act to amend the Municipal Act.

On section 5:

**Mr. Chairman:** We have a motion by Hon. Mr. Beckett on section 5, that section 5 of the bill be amended adding thereto the following subsections:

3. Paragraph 126 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1972, chapter 124, section 10, is repealed and the following substituted therefor:

126. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any bylaw passed under this paragraph may provide that a sign or other advertising device that was lawfully erected or displayed on the day the bylaw comes into force but that does comply with the bylaw shall be,

(a) made to comply with the bylaw, or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of five years from the day the bylaw comes into force.

126(a) A bylaw passed under paragraph 126 may define a class or classes of signs or other advertising devices and may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or to be displayed after such time period has expired.

126(b) A bylaw passed under paragraph 126 may require the production of plans of all signs or other advertising devices to be erected, displayed, altered or repaired

and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor, and may authorize the refusal of a permit for any sign or other advertising device that, if erected or displayed, would be contrary to the provisions of any bylaw of the municipality.

**Mr. I. Deans (Wentworth):** I'm sorry, but I didn't realize you were going to read five or six pages. Is there a copy of this that we might have to follow along? I don't have a copy; maybe there was one handed out previously.

**Mr. Chairman:** Does the minister have a spare copy?

**Mr. Deans:** It is here some place, is it?

**Hon. R. B. Beckett (Minister without Portfolio):** Mr. Chairman, they were provided earlier. I am sorry if the hon. member didn't get one.

**Mr. Deans:** It may be my own fault; I just want to find it.

**Hon. Mr. Beckett:** Mr. Chairman, I believe the member for Yorkview (Mr. Young) received—

**Mr. Deans:** I have it now, thank you very much.

**Mr. Chairman:** Do the Liberals have one? Right. All right, I am at the lower part of page 2(a) and I'll reread:

(a) A change in the message displayed by the sign or other advertising device does not in itself constitute an alteration so as to require a permit.

126(c) A bylaw passed under paragraph 126 may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of

the bylaw, and may require any person who,

(a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so, or

(b) having obtained a permit, has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the bylaws of the municipality if it does not so comply, or to remove such sign or other advertising device within such periods of time as the bylaw specifies.

That is an amendment to section 5. I would ask the minister, is part of section 5 removed?

**Hon. Mr. Beckett:** Yes, it is.

**Mr. Chairman:** And this replaces the present section 5 in the bill?

**Hon. Mr. Beckett:** Yes, sir.

**Mr. Chairman:** The member for Waterloo North.

**Mr. E. R. Good (Waterloo North):** Mr. Chairman, I remember when we passed these bylaws, I think at the request of Scarborough or one of these places, they wanted the provision extended to five years. I remember when the original bylaw was passed, because of the contractual arrangements required for neon signs and whatnot, we thought the original three-year term was not sufficient. It was extended to five years. In other words, the five-year period is the time which a merchant, or someone displaying a sign, has to bring his sign into conformity with the bylaws.

Could the minister give a brief explanation as to why all the other page and a half of further sections is needed? The original 126 in the Municipal Act, as it was in 1970 and amended in 1972, remains in 126 and then 126 (a), (b), (c) and with subclauses (a) and (b) added. Was the original 126 not working properly, or what is the necessity now to say that the municipalities now have power to further require removal of these signs? I thought that was all covered in the original 126 part of the bylaw. Could the minister give a brief explanation of why these extra sections are required?

**Hon. Mr. Beckett:** Mr. Chairman, it's my understanding that this situation, whereby the municipalities have requested these powers,

is because of the fact that there was a court case which indicated that the bill, as formerly printed or as presently printed, was not of sufficient strength, and the municipalities, in effect, lost the case. So this bill—pardon me, this amendment—that is now before the House is an attempt to clarify that situation. We have resolutions from Scarborough, North York and Etobicoke as of the last two weeks. That is why this bill is here this evening.

**Mr. Good:** To tighten up the existing section 126, is that correct? Okay.

**Mr. Chairman:** Any further inquiries of the amendment to section 5? The amendment carries.

Section 5, as amended, agreed to.

Sections 6 and 7 agreed to.

On section 8:

**Mr. Chairman:** The member for Waterloo North.

**Mr. Good:** Mr. Chairman, on section 8, I had suggested during second reading of the bill that there should be in here powers to control not only the body-rub establishments but also the employees.

I mentioned this to the minister, and after speaking to the legislative counsel since we adjourned at 6 o'clock, I understand there is another section of the Municipal Act which says if the municipality has powers to license and control and govern and regulate the establishment, it automatically has powers over the employees of that establishment. I would appreciate if the minister would ask his counsels again just what section of the Act that was so that I will be able to refer to it.

**Hon. Mr. Beckett:** Mr. Chairman, I appreciate the courtesy of the member for Waterloo North consulting with the staff on this during the recess. At that time, I believe they were able to ascertain that the points he brought up are covered under section 246(2) of the Municipal Act.

**Mr. Deans:** Could I ask you one question?

**Mr. Chairman:** The member for Wentworth.

**Mr. Deans:** I'm asking this because I don't know the answer. Section 8(3) of the bill says a bylaw "may limit the number of licences to be granted in respect of body-rub parlours in any such area or areas in which they are permitted." How would one go about interpreting that? Let me just put what I'm thinking about. When you talk of "area or



areas", are you going to designate certain parts of a municipality where it will be possible to have a body-rub parlour and then say there can be only one or two? Is that the intent here?

**An hon. member:** They're going to issue them like liquor licences.

**Mr. Deans:** Lots of luck. I can see the hon. member in court—not with me, but with somebody.

**Hon. Mr. Beckett:** Mr. Chairman, I apologize for the delay. My original answer was going to be that in many cases the zoning of a municipality was considered to be suitable, and it is not; but it will now be possible under the authority of this bill, for a municipality actually to designate an area.

**Mr. Deans:** I want to ask you about that then. I know the zoning can't do it; the zoning may rule commercial or whatever else it wants to. Can you tell me what sort of bylaw they might bring about that would say that there can be only one, two, three or whatever within a specific zone?

To tell you the truth, the reason I'm asking is that I can't imagine that you're going to get away with this very easily. I really can't. It isn't done by zone—would the member for Waterloo North stop chattering? You're forever chattering in my ear when I'm speaking.

You start out by telling me it's zoning when it isn't; now you're telling me everything else. I'd like you to tell me how they might go about doing it. Okay?

**Hon. Mr. Beckett:** Mr. Chairman, it is our belief that the municipality will be best able to decide for themselves what areas they may wish to permit this type of a use and that they may decide it will be sufficient to have X units within that area. I think the member pretty well answered his own question with his query, that it's strictly up to the municipality to decide on a certain area where they wish to permit licences and to decide that they don't want one in every second house. They're going to decide these things.

**Mr. Deans:** I'll watch it with interest! I hope it works; I really do. I'm not too sure that it will. I just wonder, when a person goes to court and says you're restricting his or her right to do business within a designated zone—

**Mr. J. E. Stokes (Thunder Bay):** That's the rub!

**Mr. Deans:** I bring him along for comic relief.

I just don't know what happens when a person goes to court and says: "Look, I'm in the right zone. Are you restricting my right to do business in that zone? I'm prepared to comply with all the building standards, the health code and all of those things." I just can't think of another example of where it's done. Could you give me one?

**Hon. Mr. Beckett:** Mr. Chairman, we hope that the municipalities would perhaps employ the same method that they do now with billiard halls, for example. They may decide that X is enough of that particular type of use in a particular area. Billiard halls is the best example that I can think of.

**Mr. Deans:** Okay. Thank you very much. I don't think it will work.

Sections 8 to 15, inclusive, agreed to.

Bill 107, as amended, reported.

Hon. Mr. Winkler moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with a certain amendment and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 107, An Act to amend the Municipal Act.

**Mr. G. W. Walker (London North):** Mr. Speaker, the member for Kitchener suggested it might be easier if I occupied a seat other than my regular chair. I presume I have the permission of the House to proceed.

**Mr. Speaker:** Is permission of the House granted?

Agreed

### HEALTH DISCIPLINES AMENDMENT ACT

(Mr. Walker, on behalf of Hon. Mr. Miller, moves second reading of Bill 125, An Act to amend the Health Disciplines Act, 1974.

**Mr. Speaker:** The member for Kitchener.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Speaker, in the initial statement made by the Minister of Health (Mr. Miller) back on April 2, 1974, when what had been Bill 22, the Health Disciplines Act, was introduced, there was of course a series of substantial changes made to the general operation to the health disciplines in Ontario. Now we have before us this evening some amendments which carry on certain particular items that deal with those first six parts of the Health Disciplines Act.

I would think that it may be worthwhile for us to go into committee if there are any particular questions. So far as I am concerned, Mr. Speaker, the only items that are perhaps of interest are the ones dealing with certain penalties for the improper use of professional titles. This seems to be worthwhile clarifying as we now complete the tying together of the various health disciplines, so that terms such as doctor and surgeon and physician or optometrist are all quite clearly known within our general Ontario society.

It has been, of course, in the past, on at least a number of occasions, the result of various hoaxes of one sort or another whereby these titles have been used improperly and incorrectly. I think it's worthwhile now to put this into the form of legislation so that there is a clear series of penalties in case persons are misled by the improper use of those titles.

Other than that, the bill has a number of minor amendments that appear to us to be housekeeping and we will support the bill.

**Mr. Speaker:** The member for Parkdale.

**Mr. J. Duksza** (Parkdale): There are only two points that I want to bring up. I don't really think that we need to go into the committee stage unless the member for Kitchener thinks it's a good idea.

**Mr. Walker:** I am sorry. Would the member repeat that last comment?

**Mr. Breithaupt:** I coached them for that.

**Mr. Duksza:** It's just a point that maybe the parliamentary assistant could answer. Is section 4 brought in now to fit to the other major disciplines? And could he give an answer why the fines were changed from the original discussion when the Health Disciplines Act was going through?

**Mr. Walker:** Mr. Speaker, perhaps I can give a bit of an overview of some of the

items contained in this amendment. Some of them are very technical and housekeeping; others represent basically a reversal of policy within the ministry.

The first section deals with the dentistry review committee. Basically, that is to ensure that the dentistry review committee is set up and is a committee of the college. The second section is related to section 3, and is related further on to section 6. This represents the question of titles, but it is a reversal of policy in the Act as it was passed in 1974. It was felt at the time that a person would not be referred to formally as "doctor", as a reference directly from the Ministry of Health, but rather if a person had a title of doctor from an accredited college or university, then that person could use that title. For our purposes we would ignore the word "doctor" and we would only consider the words "John Jones, medical doctor" or "John Jones, chiropractor" or whatever the particular discipline was would be indicated following his name and perhaps even a specialty.

Since then, with discussions involving a lot of cross-pollination among optometry, dentistry and medicine, it was decided that the word "doctor" was in use. We basically would accept that and, in effect, that is what sections 2, 3 and 6 of the Act achieve, that is, the use of the word "doctor" where there is, let us say, a doctorate of optometry granted to a person. About 50 per cent of the optometrists, I understand, would be entitled to use that. Where there is doctor of dental surgery, then that particular dentist would use the prefix "doctor" and, of course, physicians and surgeons would continue to use the familiar term. This formalizes that. It represents a change in policy that I think really admits the very obvious—that doctors are doctors and they are going to remain that way, no matter what we may say in our legislation.

The balance of the legislation is somewhat technical. Section 4 involves section 87(b) and inserts the words "within 30 days." That's merely a formality to tighten up the piece of legislation. For instance, if a physician fired his nurse for medical incompetence or for some type of disciplinary offence, he is required by this section, as it now stands, to notify the College of Nurses because they may wish to discipline that nurse, if it were some form of incompetence or incapacity or professional misconduct.

The doctor might well provide us with the defence: "Well, I realize it has been a year now, but I intended to do it next month."

As a matter of fact, I just sat down last night to frame the letter that I intended to send in." In fact, it was so loose that we couldn't really provide any type of prosecution or at least the nurses could not have any prosecution. This will allow a cleanup of that particular Act.

That's just about it. On the question of fines, I didn't realize that there had been a change in the actual amount. My understanding was that the amounts were the same. These amounts do reflect what we think is an appropriate level of fines under the circumstances.

**Mr. Speaker:** Does any other hon. member wish to enter this debate?

Motion agreed to; second reading of the bill.

### THIRD READING

The following bill was given third reading upon motion:

Bill 125, An Act to amend the Health Disciplines Act, 1974.

### HEALTH INSURANCE REGISTRATION BOARD REPEAL ACT

**Mr. Walker,** on behalf of **Hon. Mr. Miller,** moves second reading of Bill 124, An Act to repeal the Health Insurance Registration Board Act.

Motion agreed to; second reading of the bill.

### THIRD READING

The following bill was given third reading upon motion:

Bill 124, An Act to repeal the Health Insurance Registration Board Act.

### MINISTRY OF HEALTH AMENDMENT ACT

**Mr. Walker,** on behalf of **Hon. Mr. Miller,** moves second reading of Bill 96, An Act to amend the Ministry of Health Act, 1972.

**Mr. Walker:** **Mr. Speaker,** I have some amendments to make on this, and I would indicate that I would be prepared to go into committee on this at this moment, if that's possible.

**Mr. Breithaupt:** There might be a few comments that members may wish to make. I would be content to take second reading

and go into committee, if the parliamentary assistant wished.

Motion agreed to; second reading of the bill.

**Clerk of the House:** Order for House in committee of the whole.

### MINISTRY OF HEALTH AMENDMENT ACT

House in committee on Bill 96, An Act to amend the Ministry of Health Act, 1972.

**Mr. Chairman:** Are there any questions, comments or amendments to any part of this bill?

**Mr. J. E. Stokes (Thunder Bay):** This is a state of affairs. You have a three-ring circus around here and you haven't got a back-bencher to act as chairman. During the first six weeks you did nothing.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** Don't get ornery.

**Mr. E. J. Bounsall (Windsor West):** It's the member for Essex-Kent (**Mr. Ruston**). Now we will have an impartial chairman.

**Mr. Chairman.** Order, please.

**Mr. Stokes:** In the first six weeks of this session you did nothing, and now you have a three-ring circus.

**Hon. Mr. Grossman:** We have got four ministers to your five members.

**Mr. W. Ferrier (Cochrane South):** They are out in the Shriner parade.

**Mr. Chairman:** Order, please. We have an amendment to the bill. What section is the amendment in?

**Mr. G. W. Walker (London North):** Section 2 and section 3 of the bill.

**Mr. Chairman:** Does anyone have anything on section 1? Any comments on section 1?

Section 1 agreed to.

On section 2:

**Mr. Walker** moves that clause (f) of section 10 of the Act, as set out in section 2 of the bill, be amended by striking out "and surveillance of miners' chest diseases" in lines 3 and 4.

**Mr. J. R. Breithaupt (Kitchener):** **Mr. Chairman,** it is apparent how the amendment will



now read. Can the parliamentary assistant advise us as to why this presumed continuing surveillance of these particular problems is not going to be continued?

**Mr. Walker:** Mr. Chairman, during the period leading up to the bill, the members for Riverdale (Mr. Renwick) and Parkdale (Mr. Duksza) and I had a discussion on what appeared to be a blatant ambiguity in the actual reading of that section. One could say that miners' chest diseases and other respiratory diseases were so interconnected as to make it unnecessary to distinguish between other respiratory diseases and miners' diseases. It was accepted as being an ambiguity. We have now struck out some words so there will be no ambiguity and it will show that we are really reviewing the diagnosis of respiratory diseases. Section 3 requires a complementary amendment to it.

**Mr. J. Duksza (Parkdale):** Mr. Chairman, can I comment on this?

**Mr. Chairman:** The member for Parkdale.

**Mr. Duksza:** Mr. Chairman, if I can point out to the parliamentary assistant, diagnosis and surveillance go together because that's the process. What we need to strike out is only the "miners' chest diseases" and then the amendment would read "diagnosis and surveillance of respiratory diseases," which is very generic.

**Mr. Walker:** Yes, that's okay.

**Mr. Duksza:** Yes, that's right.

**Mr. S. Lewis (Scarborough West):** The thing is generic.

**Mr. Duksza:** It has to be diagnosis and surveillance is a follow-up.

**Mr. Walker:** I am prepared to accept that amendment. If you would care to make the amendment, I will accept that.

**Mr. Chairman:** Maybe I should put Mr. Walker's amendment and then we will add the amendment of the member for Parkdale.

**Mr. Breithaupt:** Mr. Chairman, perhaps we could agree that Mr. Walker's amendment will be to remove only four words—"miners' chest diseases and."

**Mr. Walker:** That is acceptable to me.

**Mr. Chairman:** The motion would then read that clause (f) of section 10 of the Act, as set out in section 2 of the bill, be amended by striking out in lines 3 and 4—?

**Mr. Walker:** Yes.

**Mr. Chairman:** How would you have it read then?

**Mr. Walker:** Clause (f) would now read "establish and maintain and operate facilities for the diagnosis, surveillance and treatment of tuberculosis and for the diagnosis and surveillance of other respiratory diseases."

Motion agreed to.

**Mr. Chairman:** The member for Wentworth.

**Mr. I. Deans (Wentworth):** Mr. Chairman, I wonder if I may, on a point of order, through you, ask the acting House leader sitting opposite if he would mind prevailing on a couple of his members to drop by and we might have a quorum.

**Hon. Mr. Grossman:** What is your problem?

**Mr. Deans:** I would like you to bring in just two or three back-benchers, three, four or five so they can listen to the debate.

**Mr. Lewis:** They are all out marching with the Shriners, that's why. They are all wearing Tory fezzes and marching with the Shriners; we would like them here in the Legislature.

**Hon. Mr. Grossman:** The hon. member decided, when he was out watching the parade, that he would come in here and make a virtue of his presence.

**Mr. Lewis:** I haven't yet watched the parade.

**Hon. Mr. Grossman:** Shame on you.

**An hon. member:** I am here every minute of the day.

**Mr. Lewis:** Just because we passed the amendment doesn't mean we passed the section.

**Mr. Chairman:** ordered that the bells be rung for four minutes.

**Clerk of the House:** Mr. Chairman, I see a quorum.

**Mr. Walker:** Mr. Chairman, we had just finished an amendment made to section 2 of the Act to amend the Ministry of Health Act. I am now proposing a complementary amendment, which achieves precisely the same purpose, to section 3 of the Act which clarifies the ambiguity brought to our attention by

the member for Parkdale and the member for Riverdale.

Section 2, as amended, agreed to.

On section 3:

Mr. Walker moves that clause (h) of section 12 of the Act as set out in section 3 of the bill be amended by striking out "miners' chest diseases" in lines 6 and 7 and adding the words "other respiratory diseases."

Mr. Chairman: Does the minister's amendment carry?

Mr. Lewis: Mr. Chairman, before it is carried, I am concerned about section 2. I was on my feet before the quorum bells began to ring. I want to understand exactly what has transpired here, only I don't have a copy of the bill. That can be debated on this section as easily as on the previous one.

Mr. Chairman: Does the minister's amendment on section 3 carry?

Mr. Lewis: Before it is carried, as I heard it on my speaker sitting in my office—I seem to spend most of my time racing back and forth—we abandoned the debate on second reading so that the parliamentary assistant could make these amendments in committee. I want to say one or two words about these sections of the bill before they are carried because they speak to the heart of an issue which ironically and coincidentally I raised with the Ministers of Health (Mr. Miller) and Labour (Mr. MacBeth) at question period, and which issues have been bothering me for some time.

If I understand it correctly, what this bill does in these sections—section 2 or section 3, it matters not—is to establish in law the rights of the occupational health branch to enter a particular industrial or mining premises to do x-rays, surveys, etc., of the men who are employed there; to do the diagnostic work, to set up the stations, to report back. Just before the section is actually passed, I want to make one or two points about its usage and implications.

I hope it is recognized in the Legislature that this authority has been exercised before now in the absence of formal legislation. The problem is that no one takes it very seriously in its application. Therefore, the legislation, simply putting into law what is now practice, doesn't really have to change the nature of the process very much.

In June, 1974, using the powers now conferred on it by law, the occupational health branch went into the Johns-Manville plant

in Scarborough and did chest x-rays of all the men in the plant. At that time they said, as they always say, I understand: "If you don't hear from us in a reasonably short period of time, or if we do not inform your physician, then you can assume that the chest x-ray was normal and you need have no qualms."

Suddenly, literally one year later, men are now being informed at Johns-Manville that the chest x-rays taken in June, 1974, showed abnormalities and they are being asked to check with their local physicians and to have further examinations.

More important still, one of the men, who was assessed in January, 1974, at 10 per cent disability for asbestosis, suddenly turns up now at 25 per cent asbestosis. I know his name; I haven't checked with him, therefore it's probably not fair to reveal it. That's a most extraordinary jump in one year's time. One wonders what responsibility the occupational health branch feels for having allowed the man to be exposed to asbestos emissions throughout the entire one-year period, only to find at the end of it that his disability has increased from 10 per cent to 25 per cent.

There is another man whose chest x-ray allegedly showed no abnormality as of January, 1974, but who has now been assessed, one year later in effect, at 25 per cent asbestosis disability; and the case has been approved by the Workmen's Compensation Board. How is it that this man, who jumps from zero disability to 25 per cent compensation, was allowed to be exposed to the dust for an entire year before the chest x-ray results were conveyed to him?

Further to that, on May 6, 1975, the Minister of Health and the Minister of Labour stood in their places and said—this specifically related to Elliot Lake but extended to Johns-Manville—those workers who had partial disability pensions, claims honoured by virtue of a 10, 15, 20, 25 per cent silicotic or asbestosis disability, would be approached by the government and encouraged to seek rehabilitation or alternative employment. That was two months ago.

From that day to this, not a single worker at Johns-Manville assessed up to 25 per cent disability has been approached by a government ministry. How is that possible? What does that say about the seriousness of the approach which this clause now embodies in law?

Some of these men have been allowed to work for a year in unsafe conditions, with abnormalities in their x-rays which were never reported to them. I don't understand



that. Others have been working for two months since a public government undertaking was made in this Legislature and no one has informed them of their alternative rights.

Now there are 69 men at Johns-Manville, out of that work force, who are on partial disability pensions for asbestosis or are having their claims presently processed by the board; there are 28 men at Johns-Manville who are now removed from the work place with 50 to 100 per cent asbestosis disability pensions; and there are now over 20 men at Johns-Manville who have died from asbestos-related diseases—one as recently as January, 1975, one in April, 1975, one in May, 1975, one in June, 1975—and, alas, it looks as though there is going to be another this month.

So when I look at this kind of clause I ask myself, what are the intentions of the government? The clause tries to make law of the alleged practice, but the fact of the matter is that the practice has never been followed.

The occupational health branch argues—and will argue under this Act—that it conveys the information within a matter of three or four weeks, either to the Workmen's Compensation Board or to the company doctor. I believe the occupational health branch; if they say that, I am sure they do. What happens to it? How does it sit at the Workmen's Compensation Board for 10 or 11 months before it is passed on? How does it sit with the company doctor for several months before the information is passed on to the men?

I do not understand, nor do we appreciate, the frivolousness, the sheer frivolity with which medical reports demonstrating disability are treated by various government ministries, and if this clause is meant to take it more seriously, then of course we approve it. We particularly approve the broader definition that you have applied by your amendment, but I say to you, as the parliamentary assistant who I know understands these matters, that there is a terrible gap between the intentions professed and the information conveyed. It is a gap so great that men are identifiably more disabled one year later through exposure which could have been stopped had the x-ray information been passed on. I would call that negligence, were it not that in this crazy world of occupational health there are several levels of negligence, some of them merely civil, others of them virtually criminal.

Through their union, the men at Johns-Manville—and I'll bring this to an end; it

gives me a chance to elaborate it for a moment to the few of us who might care—approached the company for the x-ray information on all of the people who have recently been found to have claims. The company refused. They said they would only give it on the authority of a doctor. A doctor from the University of Toronto was enlisted, and he intervened to receive the x-rays of the men, and they got the x-rays of about 105 or 106 of the men.

I am told by the president of the union, as recently as 1 o'clock today, that the reading of the x-rays shows, in some instances, that the abnormalities showed up on the x-rays eight and nine years in advance of the worker having been told. You as a parliamentary assistant know the men are denied suit of the doctor. They can't take the doctor to court. There is a one-year statute of limitations, I guess—maybe two now—and the doctor is beyond being sued. Once you get a workmen's compensation claim you surrender your right to suit.

What the union and the lawyers are trying to do—and they think they have a case—is to institute a suit based on the situation prior to the approval of the claim by the Workmen's Compensation Board. But the question to be asked is a very straightforward one. Eight and nine years ago, the occupational health branch knew of the x-rays at Elliot Lake and at Johns-Manville. How is it that the evidence on the x-rays was not scrupulously reported to the men who were affected? It raises a very important point.

I don't consider this member culpable or the minister culpable, and I sense, in the occupational health branch, a wish to deal with things differently. But there has been a terrible moral delinquency in dealing with these diseased and disabled people in the resource and industrial sector—a terrible moral delinquency.

There is no defence in law, in justice or in civilized human relationships for the information not being passed on immediately. And there is no recovery for the men involved, whose disabilities increase with the years of refusal to inform them.

I wanted to say those things on these clauses because this is what we're trying to correct. These clauses supposedly give to the occupational health branch the right to move in and take the x-rays and do the surveillance, and follow it up.

I plead with you, and all of those in the ministry who are involved, to make sure that it's done in a way which is absolutely relentless—and that no other government depart-



ment, whether it's Labour and the Workmen's Compensation Board or Natural Resources and the mines inspection branch—gets away with the non-transfer of important medical x-ray tests, or lung sputum tests, or lung cytology tests of any kind.

It's all right to say, as the Minister of Health said in an answer yesterday, that there's going to be some testing around the plant. I didn't want to engage with the minister on it, because I know how harassed a man he is. But all that's happening is that a few students from the University of Toronto are joining with the medical officer of health in Scarborough to do what will be one of the most elemental tests imaginable. The very serious stuff that's being done, like that through McGill and U of M in Quebec on the families of the asbestos workers—one of the finest studies imaginable, co-sponsored with National Health and Welfare—is not happening in the Province of Ontario around the Johns-Manville plant.

I think that's a very great pity, and I don't understand why it's all right for Quebec, but not all right for Ontario. It seems to me it would be perfect to co-ordinate the two studies, one in Quebec and one in Ontario, and to pool the information. It would be immensely valuable in understanding the long-term effects of asbestos fibre emissions.

This clause also give you that right. It is a right as yet unexercised. So I guess I've said what I want to say, that the clause means nothing unless it is taken seriously. And on the basis of the information we now have, it has not been taken seriously. As a result the disability mounts and the deaths become monthly, from one plant in the Province of Ontario. Surely, you and your minister will insist that the occupational health people follow it through with immense vigour.

**Mr. Chairman:** The hon. member for Cochrane South.

**Mr. Ferrier:** I'd like to add a few things. The situation among the gold miners in my riding is a little different than it is in the other two cases that have been mentioned. But in terms of the diagnosis, surveillance and treatment of these chest conditions, the miners develop a serious chest ailment where all the clinical findings indicate that there is a severe chest condition.

They go to the miners' chest x-ray station and the advisory committee on occupational chest diseases, and they are told, "No, you don't have silicosis because it doesn't show

up in the x-rays." Everything else is there, but because it doesn't show up on the x-rays, they're turned down for any claim and they're not told to get any treatment or anything else.

Occasionally, after a number of years and when the condition finally progresses to where it does show on the x-rays, they'll allow these men a claim. Or, in some cases, they will go to some specialist here in Toronto for lung biopsies or treatment, and you'll get a leading specialist here who will start pushing the man's case. With that kind of backing they sometimes can get a claim allowed.

As for the occupational chest disease group in the ministry, they have made the conditions so stringent that no matter what the clinical findings are, unless it shows up clearly on the x-rays, a man never has silicosis. Perhaps they follow him up, and perhaps they don't. In a number of cases after the miner has died and his heart and lungs are sent down here to Toronto to be examined by the pathologist at the University of Toronto, they find that there is some silicosis present, although the pathologist usually says it is not of some functional importance. But the man's doctor at the time will often say that it is and that he has serious chest conditions.

It's only when it reaches that final stage that these claims are allowed. I think that there has to be a better way of dealing with the miners from my particular area who come into ministry offices and are choking. They are short of breath and have major problems. The doctors up at home say they've tried to fight these but have been slapped down enough and have retreated with their tails between their legs. I just wish to make an appeal on behalf of the whole way that this is treated, and how the ministry surveys these people and the way that it adjudicates the claims and prepares for their future treatment.

It sloughs them off and says: "You've got something else. You've got a bit of bronchitis or you've got some emphysema or something like that, but you've never got silicosis." Having worked in the dust, they know they've got silicosis. They know the clinical symptoms. They've got shorter breath. Some of them are sleeping in a chair. They can't go to bed because they cough and choke so much. They can't climb a flight of stairs. They can walk a block on a cold day but they have to stop and sometimes go along to a telephone post. I think the minister needs to beef this up as far as the situation in my area is con-

cerned for the kind of older miners that we find in an area like Timmins.

The other thing that this clause reminds me of, that I think is pertinent here, is that in an area in Matheson Johns-Manville operated an asbestos mine. I got a commitment from the Minister of Natural Resources (Mr. Bernier) and this ministry that a team would go up and check out the miners at the Reeves mine that closed and also at the one at Matheson. Letters were sent to the miners at the Reeves mine but in the case of the one that closed 10 or 15 years ago at Matheson the ministry said it couldn't get the list from the company. No effort was made to try to compile a list so that those men could be checked and could be followed along.

This clause is going to give the ministry the legislative grounds to make an effort through the news media or through the union representatives or somebody to keep a list or compile a list as carefully as it can. Granted we know that the companies have closed down, but the ministry can get a list of those people so that there can be a follow-up and when things start developing they can get treatment and not develop to the extent that it is too late for them.

I hope the minister will consider these things as far as the particular situations that I have in my riding goes. I feel he should take a much more careful look at it and try to do justice by them in a way that I don't think his people have up until this point.

**Mr. Walker:** Mr. Chairman, the member for Scarborough West and the member for Cochrane South have expressed very legitimate concerns and no doubt those concerns will be alleviated by (a) the fact that we are codifying, for the first time, the permission to allocate funds for establishing, maintaining and operating the facilities which will accommodate the concerns they have expressed; and (b) it will provide the clear intent of the ministry to attack the problem with the tools this will now give us.

I don't think there's any doubt that these sections are appropriate and warranted. It will now signal to whatever part of government that it's the intention to ensure that the problems are resolved properly.

Motion agreed to.

Section 3, as amended, agreed to.

Sections 4 and 5 agreed to.

Bill 96, as amended, reported.

Hon. Mr. Grossman moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman.** Mr. Speaker, the committee of the whole House begs to report one bill with certain amendments and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 96, An Act to amend the Ministry of Health Act, 1972.

### HEALTH INSURANCE AMENDMENT ACT

Mr. Walker, on behalf of Hon. Mr. Miller, moves second reading of Bill 95, An Act to amend the Health Insurance Act, 1972.

**Mr. Speaker:** The hon. member for Kitchener.

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, there are a number of particular items which are dealt with in this bill. The amendments which are made might be of more particular interest to us if the bill was to go into committee. The only items I've found of some interest, of course, are those dealing with the submissions and payments of accounts that appear in sections 3 and 4.

The fact that there is now going to be a facility by which to recommend various reimbursements of overpayments by the plan is, I would think, somewhat long overdue. The mechanics of this recommendation are clearly set out in section 4 and I would think they really need not detain us particularly for any length of time.

Matters are also before us with respect to the kind of notice which has to be given to a practitioner or a physician as a result of any claims for reimbursement. Following that area, there are certain comments with respect to the parties who can be available in a hearing before the Health Services Appeal Board.

I think, Mr. Speaker, the various items to which I've referred are really the only items in this particular bill. There are some minor amendments which deal with some house-

keeping matters. As a result, we will approve the bill and support it.

**Mr. Speaker:** The member for Parkdale.

**Mr. J. Duksza (Parkdale):** It is obvious, Mr. Speaker, that some teeth had to be put into the Act to recover some of the money which physicians have tended to overcharge. That is to be commended.

I want to bring up a couple of other points which I don't fully follow. Maybe there has been another change of policy which the parliamentary assistant can tell me about. Section 9 suggested that the Lieutenant Governor in Council may by regulation designate the disciplines which were billed directly to OHIP. Does this suggest that there is a change of policy going in the ministry, that some new disciplines are going to be included besides the ones which already can bill OHIP directly?

**Mr. G. W. Walker (London North):** Mr. Speaker, I'm going to ask that the bill go into committee of the whole, and that might provide an opportunity to go through it in more detail. It is a bit complicated when it gets into some of those areas.

Motion agreed to; second reading of the bill.

**Clerk of the House:** Order for House in committee of the whole.

### HEALTH INSURANCE AMENDMENT ACT

House in committee on Bill 95, an Act to amend the Health Insurance Act, 1972.

**Mr. Chairman:** Any member wish to speak on any section?

**Mr. J. R. Breithaupt (Kitchener):** Does the parliamentary secretary have any amendments, Mr. Chairman?

**Mr. G. W. Walker (London North):** I have an amendment, Mr. Chairman, to section 9 of the bill, which will add two subsections.

**Mr. Chairman:** Anything before section 9?

**Mr. J. Duksza (Parkdale):** Yes.

**Mr. Chairman:** The member for Parkdale—on what section?

**Mr. Duksza:** On section 3.

Sections 1 and 2 agreed to.

On section 3:

**Mr. Duksza:** I don't understand what you mean by medical practitioners other than physicians. You suggested some other practitioners. Could you explain other practitioners—besides medical practitioners in section 3—who can bill directly? I think you really mean within the medical profession, or do you?

**Mr. Walker:** I am sorry, will you repeat that? I am having trouble hearing it.

**Mr. Duksza:** Yes. In section 3, it suggests that it allows other practitioners, besides physicians, to bill OHIP. Do you mean within the medical profession, or other disciplines?

**Mr. Walker:** It's a very long section, I'd ask you just to draw my attention to the line you have in mind.

**Mr. Duksza:** The explanation, really, is one which I can quote you on the left-hand side:

This section provides for the submission of accounts to the plan by practitioners engaged in the practice of disciplines designated by regulation in a manner similar to that provided for physicians under section 20 of the Act.

Which practitioners do you mean?

**Mr. Walker:** Section 20 of the Act covers billing of the plan by physicians. This is section 20(a) which is in effect a new section. It's confusing perhaps, but it's the way the numbering goes and relates to billing of the plan by practitioners rather than—

**Mr. Duksza:** Which practitioners?

**Mr. Walker:** By practitioners who would normally bill the plan, such as chiropractors.

**Mr. Duksza:** Oh, which means chiropractors.

Section 3 agreed to.

**Mr. Chairman:** Anyone wish to speak on anything before section 9? The minister has an amendment, I believe, to section 9.

Sections 4 to 8, inclusive, agreed to.

On section 9:

Mr. Walker moves that section 9 of the bill be amended by adding thereto the following subsection:

(2) Subsection 1 of the said section 51 is further amended by adding thereto the following clauses:



(n) (a) providing for the times when and manner in which practitioners may submit accounts directly to the plan under section 20(a).

(o) (a) exempting any class of accounts from the application of section 20(a) or any provision thereof.

And that subsection 2 of the said section 9 be renumbered as subsection 3.

**Mr. Walker:** By way of explanation, clauses (n) (a) and (o) (a) are complementary to subsection 1 of section 20(a) of the Act, set out in section 3 of the bill and are similar to clauses (n) and (o), which apply to physicians. The chairman has a copy of this.

Motion agreed to.

Section 9, as amended, agreed to.

**Mr. Chairman:** Is there any other section of the bill that any member would like to speak on?

**Mr. Duksza:** Perhaps the parliamentary assistant could answer the question I asked him during second reading, which is that—

**Mr. Chairman:** Which section is that?

**Mr. Duksza:** Section 9. We are still on section 9 actually—

**Mr. Chairman:** Section 9 has been carried, but we will let you ask a question.

**Mr. Duksza:** I thought what we carried was the amendment. Can I still ask my question?

**Mr. Chairman:** Yes.

**Mr. Duksza:** Is there any other discipline besides the ones you mentioned, which you perceive or intend to allow to bill into OHIP?

**Mr. Walker:** There are no new disciplines going into OHIP, but right now optometry will be covered under this section and possibly dental surgeons as it relates to certain surgical practices.

**Mr. Duksza:** Do you mean surgical practices in hospital or are you actually going outside the hospital in respect of dental surgeons?

**Mr. Walker:** In hospital.

**Mr. Duksza:** In hospital? Fine.

Sections 10 and 11 agreed to.

Bill 95, as amended, reported.

**Hon. Mr. Grossman** moves that the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with a certain amendment and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 95, An Act to amend the Health Insurance Act, 1972.

### PUBLIC HEALTH AMENDMENT ACT

**Mr. Walker,** on behalf of **Hon. Mr. Miller,** moves second reading of Bill 123, An Act to amend the Public Health Act.

**Mr. Speaker:** The member for Kitchener.

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, there are only two particular points in this bill, besides a number of other particular housekeeping amendments. The first that I think is worthy of note deals with the rights of the associate medical officers of health to take on certain responsibilities and to act in accordance with certain terms and conditions, especially during a vacancy in the office or the illness of someone who is appointed as medical officer of health.

The other area the bill deals with particularly, in a series of sections starting with section 7, is the operation, control, repair and general production of microwave ovens. It would appear, of course, that these items are more particularly in operation, especially in a number of the fast-food outlets across the province.

I presume the ministry has come to some conclusion that there are certain particular problems which can occur as a result of repair and perhaps careless or thoughtless operation of these particular items and, as a result, the ministry has chosen to bring them into this piece of legislation.

Perhaps the parliamentary assistant (**Mr. Walker**) can advise us as to any other reasons or concerns which the ministry has had that has caused the matter of microwave ovens to be brought before us at this time.

**Mr. Speaker:** The member for Parkdale.

**Mr. J. Duksza (Parkdale):** I'd like to make a couple of critical points on the omissions in the amendments and to ask the parliamentary assistant if he would take into consideration a couple of suggestions.

Recently, as the member knows, three members of the board of health of the city or Toronto have been taken to court, because I think section 26, subsection 1 of the 1974 Act is unclear and ambiguous in terms of providing support or protection for the elected members of the board against what I think is often a malicious, irresponsible harassment; in this case, malicious and irresponsible harassment by Toronto Refiners and Smelters Ltd., which has resulted in three members of the council—including Anne Johnston and Dan Heap—being taken to court and accused of being biased in terms of their relations and their statements toward alleged polluters.

The Act allows the city of Toronto to pay the legal costs, but there is enough ambiguity that the company has taken those three members of the board of health to court. The cost so far has been horrendous for these members. I think it has come to \$12,000 for Ald. Johnston and something like \$7,000 for Dan Heap. The final effect of this is that people are going to be rather wary of, one, running for the board of health and, two, assuming any responsibility.

I think this is something that should be taken into account if the ministry really genuinely believes that the board of health of a municipality like the city of Toronto should have some power and be able to take some action according to the members' consciences and what they perceive as proper and legitimate functioning of the rules and regulations and the laws that they are supposed to take care of. In this case those two I mentioned, Ald. Johnston and Ald. Heap, are obviously going ahead, but there should have been an amendment and the ministry should consider a future amendment to protect these individuals and any other future board members from what I perceive as malicious and semi-malicious harassment by the company.

The other section which I think needs amending is section 42, subsection 1, which protects the medical officer of health who is acting in good faith; but that is contradicted in some sense in subsection 2 of the same section 42, because it does not relieve board of health members the way it does the medical officer of health. Though the medical officer of health is relieved for responsibility

and worry if he is acting in good faith, the board of health can be brought up short and taken to court. I think that needs to be spelled out in more detail; obviously, not in this Act, but I want to leave those thoughts with the parliamentary assistant if he would consider them in terms of making the Act much more efficient. Otherwise, there is no objection.

**Mr. G. W. Walker (London North):** Mr. Speaker, certainly the comments made by the member for Parkdale will be taken into consideration. Those amendments, quite obviously, are not before us at the moment and are not really related in any way to what is before us. But the points were made, we have heard them and we will certainly consider them.

The member for Kitchener raised two or three points relating to the associate medical officer of health and to the operation of microwaves.

I would say, in respect to the medical officer of health, that sections 4 and 5 of the Act merely cover a situation that is basically technical. They cover a situation where perhaps the MOH is sick, perhaps he is out of the country, or in some way totally incapacitated, and therefore cannot give the direction that the Act presently embraces. The present Act says that the MOH shall direct the associate. This allows the associate medical officer of health to be appointed by the municipality and given all the powers the MOH had; this would be during his term of absence.

The second question was on microwaves. Microwaves have become quite a bit of a problem in the last four or five years but we now have vending machines that are, in effect, microwave ovens. People can go and put their piece of pie or sandwich or whatever it is into the microwave; it's a commercial machine.

The possibility of leakage is starting to develop and microwave leakage causes burns and cataracts. Perhaps we haven't reached the point of being in great concern at this point in time, but this is a bit of preventive medicine allowing us to set up machinery to ensure that the microwave machines used throughout the province are properly repaired and properly looked after and, by and large, properly maintained and inspected.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

## THIRD READING

The following bill was given third reading upon motion:

Bill 123, An Act to amend the Public Health Act.

## PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT

Hon. Mr. Snow moves second reading of Bill 103, An Act to amend the Public Service Superannuation Act.

**Mr. Speaker:** The member for Kitchener.

**Mr. Breithaupt:** Does the minister have any particular comments to make at this point which might allow us to avoid having the bill go into committee and which possibly could allow us to move through somewhat more rapidly?

**Hon. J. W. Snow** (Minister of Government Services): Mr. Speaker, this bill is basically housekeeping in nature. Many clauses are changed to clear up possible misunderstandings or misinterpretations of the previous bill. The overall bill is very technical in nature dealing with the public service superannuation fund.

The two items of substance in the bill relate to the arbitration award made by Judge Anderson—I believe it was—last year. This amendment to the bill is necessary for the government to implement that award.

The second item of substance relates to a commitment I made last year when this bill was amended, to give consideration to members of the armed services of certain allies and the British merchant marine who now, under this provision, would be eligible to pick up their military service.

**Mr. Breithaupt:** Mr. Speaker, I am certainly pleased with some of the matters which the bill contains. It is interesting to see the correction the minister is making with respect to the interest payable under the Act so that the amount is moved from three to five per cent. That does not sound like a large amount, but of course on actuarially-based long-term extensions, especially where pension and superannuation funds are concerned, the five per cent figure can be a substantial one as it compounds itself.

One of the things we had talked about some time ago was the benefit of allowing additional service credits to be entered for those persons who had seen military service

on active service within either World War II or in Korea. It's most pleasing to see this particular change, especially as it adds those who served in the merchant fleets. I think that this no doubt on occasion could be considered to extend to service in other allied merchant marine units. This kind of service, while particularly hazardous, is something that has often been forgotten. Those persons who were clearly in the King's uniform in those days are somewhat of a higher profile perhaps than those who laboured in long and various dangerous positions, especially in the merchant navy, with very serious losses.

I am pleased this term has been added into the service. I think those credits are honourably earned and there will not be a very large number of people who will be involved, but people who should in all justice have ability to contribute in respect of that particular form of service.

There are a number of amendments, as the minister has said, with respect to various other allowances and changes in definition. It would appear these are mainly of a house-keeping nature and we will support the bill. Mr. Speaker.

**Mr. Speaker:** The member for Wentworth.

**Mr. I. Deans** (Wentworth): Mr. Speaker, you have me again. I didn't expect it, I have a list of umpteen bills, but this wasn't one of them. I would like to ask the minister to tell me why—I am not going to go into committee quite obviously—subsection (1) of section 1(i)(2) says,

establishes it to the satisfaction of the board that he had, for a number of years immediately prior to the death of a contributor . . . been maintained,

while in subsection (1) it says "for a period of not less than seven years."

How would the minister determine what a number of years was? A number could be two. Somebody else might think it's six. Another soul might think it's 8½. What's a number of years?

How is the minister going to determine that; and is it going to be some sort of ruling made by the board that will then be used for all sort of benchmark purposes for the application of this particular Act from that point on?

I just don't really know how anybody would go about deciding whether or not he was eligible for benefit when it says just simply "a number of years." I think that if that's good and equitable in subsection 2(i)(1), then in subsection 1(i)(1) it ought to be the same.



It sounds a bit odd but it is of equal or perhaps of more importance.

The five per cent interest is not very much. The move from three to five is certainly better than leaving it at three. But one of the reasons that is given from time to time for not allowing superannuation to be negotiable is that to a great extent because of the way in which it is funded the amounts of money available are locked in.

**Hon. Mr. Snow:** It has nothing to do with that.

**Mr. Deans:** It has nothing to do with that? I may not understand it, as I say, I wasn't prepared for this bill, but maybe the minister could explain it to me what this is all about. Of more interest to me, will he tell me how we deal with this number of years?

**Mr. Speaker:** Does any other member wish to take part in this debate? The hon. minister.

**Hon. Mr. Snow:** Mr. Speaker, the first question of the hon. member also has me confused as to the phrase "for a number of years immediately prior to the death of a contributor with whom he had been residing."

**Mr. Deans:** That's those lawyers. I would like to see two of them agree on what the number was.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): I don't think one can get lawyers to agree on anything.

**Mr. Deans:** Let me ask a question: Doesn't the minister think it might be better to leave that for the time being, and come back to it when there may be something to tell about how that could be interpreted? I just don't understand it; and I don't pretend to understand everything or nearly everything, but I certainly don't understand that.

**Hon. Mr. Snow:** Well I do not have the answer to that particular question in any of the information I have here. I might say this bill has been on the order paper for some time. It has been thoroughly vetted by the legislative counsel, by the legal staff of my ministry, by the Public Service Superannuation Board, by the Civil Service Commission, by the staff of Management Board; I have accepted their guidance in the preparation of this legislation. The interest I can explain.

**Mr. Speaker:** The member for Kitchener.

**Mr. Breithaupt:** Mr. Speaker, perhaps the bill could receive second reading and then stand over to committee of the whole House so that if there were any particular items, they could be reviewed, possibly at the beginning of the week.

**Mr. Deans:** Does the minister agree with that?

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Yes, I think that's the correct procedure to follow. The minister can investigate the questions and, if need be bring in amendments.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Clerk of the House:** Committee of the whole House.

**Mr. Speaker:** Committee of the whole House.

Agreed.

## THEATRES AMENDMENT ACT

**Hon. Mr. Handleman** moves second reading of Bill 119, an Act to amend the Theatres Act.

**Mr. H. Edighoffer** (Perth): Mr. Speaker, I would like to say a word or two on the amendment to the Theatres Act. It just seems that this legislation probably ties in in some way with the amendment that was passed here this afternoon—the amendment to the Municipal Act as it seems to pertain to some extent to the activities on Yonge St.

At the time when that bill went through my colleague, the member for Waterloo North (Mr. Good) referred to the Premier (Mr. Davis) and his pronouncements on violence and permissiveness. I suppose that this legislation will, of course, assist in controlling what can be viewed for a price on film. But, Mr. Speaker, I'm in agreement with this legislation which will hopefully amend many sections of the Theatres Act and will place control on the 8mm film and videotape and any other means of showing moving pictures.

In fact, the minister surprised us during his estimates when he came right back and said we could expect legislation very shortly. I have to say, Mr. Speaker, that I haven't spent too much time viewing these uncensored films in Toronto and in many other—

**Hon. Mr. Grossman:** How much time has the member spent?

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Who watches them?

**Mr. Edighoffer:** I said that; not too much time.

**Hon. Mr. Grossman:** Just enough.

**An hon. member:** Wait until they hear about this back home.

**Mr. Edighoffer:** As a matter of fact, I think that's where all the Tory back-benchers are tonight. They know we won't be able to see them.

Interjections by hon. members.

**Mr. Speaker:** Order please. The member for Perth has the floor.

**Mr. Edighoffer:** Right. Well I am pleased to see this legislation. I believe it was yesterday there was a lengthy article in the Toronto Star and the first line of the article said that "Yonge St. is a money tree that is starting to bear rotten fruit." I think that was most appropriate, to some extent; and no doubt this could spread throughout many other cities in Ontario.

I wondered, really, why the amendments wouldn't include safety and controlling of the number of people attending such functions; but possibly the reason is that this is left up to the municipalities.

I also agree with the controlling of the advertising one sees as one walks down Yonge St. I suppose it's necessary to have this; I think this will go a long way to assist many people.

We certainly support this bill. I really feel the government should have introduced and enacted this quite some time ago. I know the Board of Censors will have their problems at first, but I am quite sure they will get over that.

The only other question I would ask is, when this is passed, when can we expect the Act to be proclaimed? I hope it's not just a promise.

**Hon. Mr. Grossman:** Does the member want to know when not to walk down Yonge St?

**Mr. Speaker:** The member for Cochrane South.

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, I am glad to see that the govern-

ment has seen the major loopholes that these operators, on Yonge St. in particular, have been using to show the pornographic and obscene movies that seem to be the style down there. I have not been in any of those places, although I have—

**Hon. Mr. Grossman:** Nobody goes to them but they are making a mint.

**Mr. G. Samis** (Stormont): They are all against sin.

**Mr. Ferrier:** I remember back in the old days, when I was at seminary, we went down to the Casino to see what the shows were like so we would be able to speak about them when we got into the pulpit.

**Hon. Mr. Grossman:** That was research, was it?

**Mr. Ferrier:** That was research, basic research.

**Mr. Samis:** All in the cause.

**Mr. Ferrier:** I must say to the Provincial Secretary of Resources Development that I haven't been doing that kind of research on these 8-mm films and videotapes, but I'll take the minister's word for it—

**Hon. Mr. Grossman:** What word?

**Mr. Ferrier:** —that they are rather undesirable.

**Hon. Mr. Grossman:** What happened to the libertarians over there? All of a sudden, they want to be Tories.

**Mr. Deans:** I'd rather be dead.

Interjections by hon. members.

**Mr. Speaker:** Order, please. The member for Cochrane South has the floor.

**Mr. Ferrier:** I think it's unfortunate that people have driven through that loophole as long as they have, and they have allowed this kind of movie to be shown in Toronto. I think that it has led to a serious deterioration on Yonge St.

I grew up in Toronto and was always pretty proud of the downtown section of Toronto when I was here. It's very unfortunate that this society has become so permissive and so preoccupied with this kind of thing that we have had the degeneration take place there.

I'm pleased to see that the censor now is going to have an opportunity to review these things and to cut out the kind of movies

that have been there. I think they have had a deleterious effect on a number of people, and I think it's away past time that this came in. To the credit of this minister, he did look at the problem, he saw what had to be done and he is doing it. Of course we support him, but I would like to say—

**Hon. Mr. Grossman:** Everybody agrees with the Premier now.

**Mr. Samis:** The minister is stretching it now.

**Mr. Ferrier:** Oh, we don't agree with the Premier, but we do agree there is a certain set of moral standards that is pertinent to many people in the Judaeo-Christian group and other groups in this province—

**Hon. Mr. Grossman.** I will take some of the credit too, but really it is the Premier.

**Mr. Ferrier:** These people don't want to see society completely degenerate. They want to—

**Mr. R. F. Ruston (Essex-Kent):** It has been degenerating with Davis for four years.

**Mr. Ferrier:** Well, I don't think anybody has a sole grasp on righteousness.

**Mr. Samis:** That's for sure—especially the opposite side.

**Mr. Ferrier:** I think that justice and proper morals are not the preserve of any particular group or political party, but many people are committed to a decent and high moral standard, and they feel they want to see their society go in this direction. Certainly righteousness exalteth the nation.

Interjections by hon. members.

**Mr. Ferrier:** The minister should read the Psalms once in a while.

Interjections by hon. members.

**Mr. Ferrier:** If we get legislation in here which curbs the kind of licentiousness the government has permitted, so much the better. I'll stand up any day and support legislation from any side of the House which is in favour of uplifting the moral level of this society.

**Hon. Mr. Grossman:** Did the hon. member read that speech in his caucus?

**Mr. Ferrier:** I made it here in the House.

**Mr. Speaker:** The hon. member for Scarborough Centre.

**Mr. F. Drea (Scarborough Centre):** Mr. Speaker, I rise in support of Bill 19. To put these amendments into perspective I'd like to remind members of the commitment expressed by Her Honour in the Speech from the Throne, "This government will seek the co-operation of law enforcement agencies and the general public so that our cities and streets remain among the safest and most secure in North America."

I would also remind members of the commitment of the Premier that this government is deeply concerned about the cult of violence which now permeates the entertainment standards, as well as the inroads being made into conventional and respected moral standards by those who would destroy them, for the sake of making a fast and constantly lucrative dollar, by means of pandering to and purveying the salacious, the degenerate and the obscene.

While legislation cannot set moral standards, the Premier has struck at the core of the issue by emphasizing that a government which refuses to provide moral leadership is a government which cannot enjoy the respect of the public.

We have witnessed in the United States the dreadful consequences to a society which has lost all faith in government because of the total lack of morality in its leader and the people around him. We are determined this will not happen in Ontario and we are just as determined that the standards of the social degenerates and their camp followers will not be forced upon the millions of decent Ontario men and women and the families they are trying to raise.

Discussing this issue, Mr. Speaker, I frequently use the term social degenerates. It applies particularly to Yonge St., a thoroughfare rather aptly described by the Toronto Star as sleazy and sordid. The sex films now so prominent there are the attraction for a great many thrill seekers and, in turn, the rather tawdry advertisements turn the street into something which has all the aspects and all the earmarks of a rather bizarre carnival.

There is another aspect to this street and its emerging status as the sex capital of Canada. What has been looked upon as something cute, something titillating for the tourists and the rubes, something which emphasizes the end of the so-called Toronto the good, has been the test site for an expanding American pornography market. There is no question that another six months of flourishing operations, particularly in the film field on Yonge St., would have meant the spread of this style of entertainment into



virtually every community in Ontario. It is already in Ottawa. Because of recent court cases in the United States there is now a surplus of sexually-oriented films, magazines and artifacts and a great many purveyors are very anxious to really move into the Ontario market.

Because there's other legislation dealing with spinoffs from the film business, such as the body-rub parlours, I do not intend to deal with any aspect of the trade of social degeneracy other than film. Once and for all, Mr. Speaker, I intend to document the rise of the dirty film business in this province, the people who run it and their suppliers from the United States. I don't think I'll have to make the point of what the impact would have been if the Premier and this government had taken the easy way out and refused to take the moral stand that is the basis of these amendments.

The king of Yonge St. and of the dirty picture business is dwarfish Harry Virgil Mohney, a/k/a Harry Klein of Lansing, Mich. It's rather fascinating that someone could so dominate a street when, because of his criminal record, his known associations with organized crime in the United States, his current number of indictments, both on federal and on state charges, this man under no circumstances could ever enter Canada. He didn't have to—

**Mr. Breithaupt:** Is he American?

**Mr. Drea:** Yes, from Lansing, Mich. As a matter of fact, his address is 8250 Lansing Rd., Durand, Mich. His police numbers in the State of Michigan are, by the state police, 480438, and by the Flint police department, 54799. Mr. Mohney, who has just celebrated his 32nd birthday, likes to say that he is an independent distributor. In reality, he is the prime agent for the Joe Colombo family of New York City which specializes in the production, distribution and total marketing of pornographic films in the United States and now in Ontario. In fact, Mohney, who likes to boast of being more than a self-made millionaire, reports to two organized crime families through one Robert D. Bernardo, chief policymaker and field officer for the Colombo family and protector of pornography operations in the United States. Mohney is linked to the Calvalconte family of New Jersey, which also specializes in pornography, particularly in the eastern United States and in eastern Canada.

One way or another, virtually every piece of sexually-oriented film on Yonge St. originates with Harry Mohney. His source of film

is Star Distributors of New York City, the major sex firm of the Bernardo-Colombo-Calvalconte operation. Products of Star Distributors have been seized in two raids in Ontario. The companies branch of this ministry has dealt at least a half-million-dollar blow to Mohney by stripping away the charters of three companies that were his fronts in this province. A fourth company linked to Mohney Enterprises has also lost its charter. In every case, the reason for the loss of charter was flagrant disregard of the requirements of the laws of the Province of Ontario relating to business corporations.

The three Mohney companies, Nos. 288524, 286880 and 286977, were found not to have resident Canadian directors. The fourth sex-film-oriented firm, 292299, the operators of the 21st Century Love cinemas among other enterprises, was ordered dissolved for failing to notify of changing the address of its head office, failing to notify of a change of directors and also failing to notify of an increase in the number of directors.

The ministry is indebted to Mr. Douglas Payne, a Canadian Broadcasting Corp. radio news journalist, for his investigative reporting into one aspect of the Mohney operations in Toronto. His reporting lays bare the attempt by Mohney and lieutenants to catapult from the salacious junk now offered on Yonge St. into straight pornography. Using money derived from the sex industry of the United States—and Mohney's operations in the United States alone span eight states in the midwest as well as Ontario—they were prepared to move into a void created by several successful police operations in the Toronto area in the early 1970s.

Last year he set up those three companies. No. 288524 translates into American Discount Books; No. 286880 translates into Shoppe D'Amour that in turn was the front for Cinema Blue on Yonge Street; 286977 is the Ravview Playhouse, a theatre that seats 800 patrons. The ostensible Canadian directors had little visible connection to Mohney or to the Colombo-Bernardo-Calvalconte empire. They must have had extremely little connection, because they all resigned shortly after the corporation papers were filed.

Armed with this façade of business respectability, the Mohney operation went into effect. Shoppe D'Amour, which specialized in the clothing and sexual artifacts used by degenerates, opened but quickly changed into Cinema Blue. A bookstore opened at Bloor and Brunswick. The essential part of the bookstore was a peepshow operation in the rear. The Bloor and Brunswick operation was commanded by one Dick Wilder, a Mohney

operations man from Ohio, who found no difficulty in getting into Canada and found no difficulty in obtaining a valid work permit.

With the bookstore and peepshow operation in full swing, another American came to Toronto. He was one Charles Abrams, supposedly a furniture salesman from Ohio. Accompanying him were his president, George Kihnley and his lady friend, a convicted prostitute, using the name Theresa Lyn Stewart. Her real name was Terry Durham. The three, besides the peculiar business alliance, came from the National Health Studio of Cincinnati, Ohio. The operations of this establishment have led to prostitution convictions against Abrams, charges against the Durham woman and warrants against some others which will be mentioned later.

Under the pressure of the police—and I may say one of the reasons for the pressure of the police on the peepshow operation at Bloor and Brunswick was the fact that the community there was outraged by what was going on—that store closed and Abrams moved downtown to the Cinema Blue. At the same time that he moved, in came two more from the Cincinnati brothel operations, one Sherman Stephens, Jr., and his brother Paul. Once again they had no difficulty in crossing the border and once again they obtained valid work permits.

Cinema Blue was to show "Deep Throat" in 16mm. "Deep Throat" is a film of absolute degradation featuring the sexual antics of a mentally defective female. It is banned in Ontario. It was with this film, because of its enormous popularity in the United States, that organized crime—the Mohney syndicate—decided to try to break down the existing Ontario entertainment standards.

By getting away with the showing of a 16mm version of "Deep Throat" on Yonge St. the group would expand and would show a 16mm print of "Deep Throat" at the Bayview Playhouse. Then, taking advantage of court cases involving the obscenity of these films, they would open with the standard film version at the Playhouse, the 35mm version. I remind you, Mr. Speaker, this was not a peepshow operation. They purchased an 800-seat theatre.

The end result would have been the wholesale erosion of existing Ontario entertainment standards and the unleashing of a flood of film pornography from the United States into this province. The immense financial stakes in this operation are underlined by the fact that the Cinema Blue theatre was raided time and time again. With film prints of "Deep Throat"

and projectors seized on virtually every occasion, the show always started again. There were 106 charges laid in less than a year. Incidentally, sometimes that show resumed one hour after the police raid and seizure.

Finally, Cinema Blue went dark leaving just a note: "Morality, you've won. We're broke." This kind of note is a particular mark of Mr. Mohney. At the moment, he is having the gravest of difficulties with the police authorities in Lansing, Mich., and on one of his theatres there is now on a marquee a film called "Police Harassment," rated PG.

Abrams, Kihnley and the Durham woman fled Canada but Cinema Blue reopened with Sherman Stephens in charge. Supposedly, this time the owner is Imperial Films in a company called IBOX, with its Canadian agent one Nick Franks. Imperial Films and Nick Franks never bothered to file corporate documents with the companies branch of this ministry. However, it is a matter of police records in the United States that Imperial Films bears the mainstay of Harry Mohney. Repeated raids sent Stephens back to the United States where there is a warrant outstanding under an Ohio statute charging him with organized crime.

Subsequently, a raid on the Bayview Playhouse resulted in the discovery of a secret room in the basement where \$40,000 worth of pornographic films, books and magazines were seized. There was unmistakable evidence of these originating from the Mohney warehouses in Durant, Mich. This warehouse, since raided, is closed but Mohney's operations are now centred in Lansing, Mich.

Despite the substantial reverses dealt Mohney by the theatres branch and the companies branch of this ministry, he is not easily thwarted. Last year, in one of those bizarre coups so common in the United States but still shocking here, one Joseph Martin, proprietor of, among other things, the 21st Century Love Cinemas on Yonge St., returned from a trip to Europe to find a Mohney agent had become the owner of his company. New articles of incorporation had been filed with a lawyer now listed as the sole corporation officer. Martin maintains it was all over a debt owed from one of his unsuccessful soccer promotions.

Martin managed to get back his company but the sudden intrusion by Mohney and his subsequent withdrawal, accompanied by debt payments, led to a failure to file a return under the Corporations Information Act. In turn, this led to the order I mentioned before, dissolving this corporation.



Martin's operations now span most of Yonge St. He has the 21st Century Love Cinemas at 245 and 349 Yonge St.; these are 8mm film theatres. He leases Starvin' Marvin's Burlesque Palace, 331 Yonge St. He has leased the Jumbo hamburger across the street. He manages the Neptune Health Spa, a parlour above Minsky's Burlesque at 313 Yonge St. He leases Sexlandia, 149 Yonge St. He now leases the Pleasure Palace, 10 Elm St., and a place called Loveland. There is a common thread with all these theatres since the advertisements read, "Uncensored. Two hours of sex movies," and the admission charge is \$2.

It is also noteworthy that a former Martin employee, one Arnold Linetsy, now leases Minsky's Burlesque, 313 Yonge St., which is a specially profitable and significant enterprise since it is the only one that features 16mm film on Yonge St.

Martin's operations really went into orbit following the recapture of his now dissolved corporation from Mohny. He is busily expanding on Yonge St. and his known associates and employees are being seen in more and more once-independent places. In fact, he is outdistancing his one-time mentor, one Pat Giordano, who is the owner of Starvin' Marvin's Burlesque, Minsky's Burlesque, the Neptune Health Spa and the Gamecock, a movie palace at 718 Yonge St. Giordano also owns Funland, a pinball emporium on Yonge St. just north of Dundas.

If Martin, who now faces a great number of criminal charges arising out of his operations, had a remarkable ascent on a street where businesses changed hands in almost record time, there is the remarkable resurrection of the North American News Co. on Britain St.

The North American News is the prime supplier to the sex film, book and magazine business. Its operations extend through the Cinematic Vending Co. of Toronto and Ottawa. In turn, it supplies the coin film booths at Delilah's Den, 354 Yonge St., which features 40 such 8mm film machines; two peep shows at Peeporama, 10 Elm St.; Olympia Books, 575 Yonge St.; the Times Square, 369 Yonge St., and Reid's Books, 369 Yonge St. There are also Bookazine Enterprises and Gormac Books. The films and books come out of the Mohny operations.

However, the border has had some implications for Cinematic Vending. The Royal Canadian Mounted Police have seized dozens of movie projectors from them since these projectors apparently entered Canada with-

out duty being paid and without the CSA safety seal. Most of those projectors are still confiscated by the RCMP.

A few years ago North American News was known as the Mimbus or Nimbus Corp.; one of the peculiarities about North American News is that to this day no one really knows how to spell the name of its original corporate parent. Nobody knows whether the real name of the company in the Bahamas was Mimbus or Nimbus.

In any event North American News was defunct. It couldn't produce any Canadian directors under the Paperback and Periodical Distributors Act of this province. However, one Ross Wise produced evidence that he had purchased the company from Rose Caplow of the State of New Jersey. Wise, who was convicted in Toronto in July, 1973, for possessing obscene material for distribution purposes, bought North American News for \$450,000. It is interesting that his monthly payments to the Mimbus or Nimbus organization in the Bahamas are specified in gold bullion.

In an earlier reincarnation, North American news was the mainstay of Gordon McAusline, who fled Canada in 1973 to avoid conspiracy charges. McAusline now comforts himself in semi-retirement aboard a yacht in the Bahamas. However, another charged in the same conspiracy, one Victor Santangelo of Derby, Conn., who fled Canada to avoid prosecution, still has legal status here. His Capital Distributing Co. of Oakville, was ruled not covered by the periodicals Act, which requires majority Canadian ownership. It still files returns under that Act, listing Victor as its corporate head. Its operations are nation-wide, and once it assigned territory to North American. Not any more, particularly after a massive raid by the Oakville police department two years ago.

An examination would show that all of this flows back into Cleveland, Ohio, and then to Lansing, Mich., and the Mohny empire. Suppliers to the sex market here include a "Who's Who" of American smut: American Amusements, Durand, Mich.; Auto-City Publishing Co., Durand, Mich.; Romulus News and Royal News, Cleveland, Ohio; Fourth Avenue Adult News, Ann Arbor, Mich.; Capital News, Lansing, Mich.; Derby International, state of Michigan.

**Mr. J. E. Bullbrook** (Sarnia): I heard all this on the CBC about two weeks ago, if I recall correctly.

**Mr. J. M. Turner** (Peterborough): He doesn't remember.



**Mr. Drea:** Don't push; just don't.

**Mr. Speaker:** Order, please.

**Mr. Drea:** Smuggled pornography has been seized at the Toronto Island Airport, in Montreal and by border authorities at Buffalo. It all flows back through interlocking directorates, territorial distribution networks and agents of the Colombo-Bernardo-Calvalconte family.

**Mr. Speaker,** I think this outline of the background of those prominent in the supply and distribution of sex-oriented film provides impetus for this bill. Until now there has been a feeling that an 8mm film was not film within the original intent of the Theatres Act. Obviously, the sex film is advertised and a patron would have to be most naive not to understand the type of entertainment he was paying for. Videotape, as shown by Cinema 2000, was not invented when the Theatres Act was first passed. To ignore videotape would just be an open invitation to the American sex kings, organized crime and their protectors to switch from peep shows in coin-operated machines to videotape machines.

**Mr. Speaker,** I have dwelt at length on the people involved in this kind of operation. And I do not do so to bring them notoriety, but to underline the determination of this government to do something to protect and enhance the quality of life that has been the hallmark of life in Ontario since pioneer days. I realize that in certain sets we are labelled as squares and old-fashioned. **Mr. Speaker,** I for one am proud to be square and old-fashioned—for the vast majority of this province, the decent people, are just as square or even more so.

Last month I said I would make this speech on the second reading of Bill 119. I do it to put on the record the kind of thing that is coming to Ontario under the guise of the new morality and the concept that no regulations are required. In a few years a city that was justifiably proud of its reputation was turned into a flourishing test market for all that is the worst in the United States. The camouflage was being cute. Surely, there could be nothing wrong in spending money once in a while in watching on film or on tape the cavorting of one, two or more degenerates.

Two years ago in the estimates of this ministry, I posed some of these questions. I was met by a considerable amount of ridicule, particularly when I questioned some of the film advertising. Two years ago all of this was merely a reflection of the new waves in society. Well, in those two years, **Mr. Speak-**

**er,** Ontario, with Toronto as the market test centre, became the focal point for the funds, the agents and the produce of American organized crime.

What is particularly disturbing, **Mr. Speaker,** is that in this period of time there are enough patrons and enough dollars for 16 such major theatres to flourish. There are at least five or six times that number of film shows and curtained booths at the backs of so-called book stores or amusement palaces.

When you consider that Harry Mohney and the Colombo family shot better than a half a million dollars just to get "Deep Throat" shown in this province, then you have a measure of why a government, particularly a Premier, must show moral leadership. The alternative of doing nothing, because a segment of the population appears to approve, would have been to open the doors to those who destroyed the quality of life in the United States.

Obviously, such a detailed report is more than the product of one person. In closing, **Mr. Speaker,** I would like to draw the attention of the House to a most courageous minister, the hon. member for Carleton (**Mr. Handleman**), who was determined to use all the regulatory powers of this ministry to protect the people of this province.

I would also acknowledge the contributions of the deputy minister in the Ministry of Consumer and Commercial Relations, **Mr. J. K. Young;** our senior solicitors, **Mr. Edward Cierniega** and **Mr. Jerry Cooper;** our companies branch director, **Mr. Ben Howard;** the theatre branch director, **Don Sims,** and assistant director, **George Belcher;** our communications branch, **Mr. Errol Weaver,** the director, and **Miss Janet Ecker,** who co-ordinated much of the study; the ministry of the Attorney General and the Ministry of the Solicitor General.

Since there are criminal charges pending in a great many areas, I am compelled not to acknowledge the substantial contribution of a great many individuals in the law enforcement field.

**Mr. Speaker,** I would ask, on the basis of these remarks that I have made, that the legislation be speedily passed by this House. Thank you.

**Mr. Speaker:** The hon. member for Stormont.

**Mr. Samis:** Thank you, **Mr. Speaker.** Listening to the member recite the exposé of all the criminal connections with the various theatres and smut operations on Yonge St. makes me ask the very obvious question—

why did it take so long to crack down on these operators? They have been around for a while here in the city of Toronto. I assume that the ownership is not something that's been revealed all of a sudden, and that the police authorities have known for a while who was behind the various operations. I would like to say that I hope the whole concept of the bill is to close loopholes that existed.

We are not talking necessarily about morality. We are talking about making sure that everybody in this province is treated equally, in terms of film. If there were loopholes which people exploited for prurient or smutty or obscene films, the key point here is they will be treated in the same way as other film distributors in the province—other people showing film. If they can't meet those standards, in terms of censorship or other standards, they should either be closed down or severely restricted, but I hope we don't go on some wild witch hunt.

I think most people who come to Toronto regard it as a very clean, healthy city. They don't want to return to the ridiculously rigid days of the 1950s or 1960s. I think very few people would defend the way Yonge St. has evolved in the last few years, and I am glad to see the minister is taking some action.

I reiterate, though, why did it take so long? We have known what these people have been doing. We know how they have been trying to exploit sex and violence and other things very blatantly, in a manner which is quite offensive to a variety of people. We know they have changed the whole character of the strip along Yonge St. to one that really one thinks has absolutely no inherent value any more beyond the dollar sign; that everything in that area is reduced to a monetary value.

I would like to say in closing, Mr. Speaker, that not all the sex, not all the violence, not all the exploitation films take place on Yonge St. Obviously, with the changing concepts of morality, with the change now in the whole film industry, trying to exploit or to create the public demand for greater licence, I suppose you would say, and liberty in the whole question of sex, violence, language and a variety of other matters, let's not totally single out Yonge St. There are other areas in this province that exploit it, and I am sure the minister knows that there are smaller but similar operations in his own city. Again, we are not aiming at specific businesses; we are just trying to keep everything under the same rules and regulations.

So I congratulate the minister for finally

doing something about it. I am surprised that it has taken so long. Public opinion has obviously wanted action taken prior to this, but better late than never. Again, Mr. Speaker, I wholeheartedly support the bill and congratulate the minister for taking action. Thank you.

**Mr. Speaker:** Does any other hon. member wish to enter this debate? The hon. minister.

**Hon. Mr. Handleman:** Mr. Speaker, first of all, I am extremely gratified by the degree of unanimity with which this bill seems to have been received in the Legislature. If I may say in commenting on the remarks of the member for Stormont, I do not live in the city, I live in the suburban area in the Ottawa-Carleton region. In my area there are two drive-in theatres, both of which show nothing but films which have been through the board of censors, so I am not really aware of this type of operation having invaded my constituency, although I do think parts of Ottawa—

**Mr. Samis:** I didn't even talk about that.

**Hon. Mr. Handleman:** —do have offshoots of the Yonge St. syndrome.

You know, by coincidence I happened over the dinner hour to listen to an exchange on the subject of censorship between one Pierre Berton and one Charles Templeton. I have a great deal of regard for both of those gentlemen, and one of them, Mr. Berton, claimed, of course, there should be no censorship whatever—everybody should be free to go his own way. I think Mr. Templeton exhibited some degree of caution by saying that while you may believe in complete freedom, unbridled ability to say what you please and do what you please, there is a point at which society must be protected. And, of course, he used the classic example of not being able to yell "fire" in a crowded theatre when there is, in fact, no fire.

I think we have to accept certain limits on these freedoms. It is remarkable that every member who has spoken on this says he has never really experienced the kind of thing that is covered by this bill.

Somehow or other the operators—as the member for Scarborough Centre so graphically pointed out—are making great amounts of money, and there are people who are, in fact, patronizing these establishments. The graphic detail that the member for Scarborough Centre went into, I think, shows very, very clearly how organized crime can move in to satisfy those needs created by human weaknesses—and not simply pornog-



raphy—but things like prostitution, drugs, gambling, even liquor in some jurisdictions. I think that no political party has a corner on moral standards and we accept the unanimity, and I am very grateful for it, but the party which forms the government does have the responsibility to provide leadership, at least to display to the public that it has some concern for public morality. We have accepted that.

The hon. member for Stormont asks: Why has it taken so long? I have been in Toronto since October of 1971, and I can say that it has degenerated rapidly since my arrival in this city at that time. The hon. member has not been here that long, and I assume that during the time that he's been here it has been in full operation.

**Mr. Deans:** Has that got anything to do with the fact that the minister arrived?

**Hon. Mr. Handleman:** It may very well and—

**Mr. Deans:** I never attributed it to that until now, until the minister brought it to my attention.

**Hon. Mr. Handleman:** Mr. Speaker, I think during the estimates the hon. member for Wentworth asked me when this bill would be brought in, and I answered him very briefly, explicitly, to the point saying, "Very soon."

I hope I have met that test.

**Mr. Deans:** Yes, the minister has.

**Hon. Mr. Handleman:** I am hoping that the bill will proceed through the clause-by-clause examination quite quickly so that, as requested by the member for Perth, it can be proclaimed very quickly.

There is a section which nobody has commented on—and I wanted to point it out because it is one from which I take some personal satisfaction, having incorporated it into the bill—and that's the provision for the possibility of there being Canadian quotas for films in public theatres. This will, of course, apply to those which are showing 8mm and videotape as well, and I think that's all to the good because the 8mm and videotape form are vehicles where films can be made very economically.

It may encourage some of our Canadian film-makers who do not have large amounts of capital to get into that form of film, and thereby be able to exhibit.

Now my colleague, the Minister of Culture

and Recreation (Mr. Welch), of course, will have responsibility for developing any quota system if there is to be one—and I simply want to say that this amendment provides the vehicle through which that can be accomplished.

**Mr. Speaker,** I am looking forward to having the bill passed and going into effect as quickly as possible. I would like to thank all members for their support of the bill so far.

**Mr. Speaker:** Hon. Mr. Handleman moves second reading of Bill 119.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 119, An Act to amend the Theatres Act.

**Mr. Ferrier:** Is the provincial secretary going to take the Pregnant Mare Act through?

**Mr. Deans:** Why don't we adjourn?

**Hon. Mr. Grossman.** Mr. Speaker, I would move the adjournment of the House.

**Mr. Deans:** Before we adjourn, I just remembered something—

**Hon. Mr. Grossman:** The hon. member just asked for it; he just asked for it. Those fellows can never be satisfied.

**Mr. Deans:** The provincial secretary knows I am always satisfied. The House leader indicated to me in a conversation not long ago that he was going to determine whether or not we would proceed with something called the Petroleum Products Price Freeze Act. I guess we are not going to do that tomorrow after all. Is that fair?

**Hon. Mr. Grossman:** Mr. Speaker, I think if the hon. member and I continue this dialogue for just a few more minutes, the House leader will be in.

**Mr. Samis:** He's stoned.

**Mr. Deans.** What would the provincial secretary like to talk about?



An hon. member: The Shriners' parade.

Mr. Deans: Why doesn't he tell us about—

Hon. Mr. Grossman: I'd like to talk about how all of a sudden the members opposite have all become squares.

Interjections by hon. members.

Hon. Mr. Grossman: I am advised he is likely to move that tomorrow.

Mr. Deans: I really have to know; it's not a matter of whether he will or whether he won't.

Hon. Mr. Grossman: I can never give a guarantee.

Mr. Deans: No, I know that.

Hon. Mr. Grossman: There is no such thing as a guarantee in life. I think the hon. member should take it for granted that is

probably what will happen, because we want to get that approved as quickly as possible.

Mr. Deans: Pardon me, if I may. The House leader knows we had a discussion about the possibility of not proceeding, and I would be most—

Hon. Mr. Grossman: That is the possibility. There is the possibility we will proceed.

I will now move the adjournment of the House, Mr. Speaker.

Mr. Deans: I am going to tell the provincial secretary that he can't do it.

Hon. Mr. Grossman: Want to bet?

Mr. Deans: Yes.

Hon. Mr. Grossman moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:20 o'clock p.m.

## CONTENTS

---

**Thursday, July 3, 1975**

<b>Municipal Amendment Act, reported .....</b>	<b>3605</b>
<b>Third reading .....</b>	<b>3607</b>
<b>Health Disciplines Amendment Act, Mr. Miller, second reading .....</b>	<b>3607</b>
<b>Third reading .....</b>	<b>3609</b>
<b>Health Insurance Registration Board Repeal Act, Mr. Miller, second reading .....</b>	<b>3609</b>
<b>Third reading .....</b>	<b>3609</b>
<b>Ministry of Health Amendment Act, Mr. Miller, second reading .....</b>	<b>3609</b>
<b>Ministry of Health Amendment Act, reported .....</b>	<b>3609</b>
<b>Third reading .....</b>	<b>3614</b>
<b>Health Insurance Amendment Act, Mr. Miller, second reading .....</b>	<b>3614</b>
<b>Health Insurance Amendment Act, reported .....</b>	<b>3615</b>
<b>Third reading .....</b>	<b>3616</b>
<b>Public Health Amendment Act, Mr. Miller, second reading .....</b>	<b>3616</b>
<b>Third reading .....</b>	<b>3618</b>
<b>Public Service Superannuation Amendment Act, Mr. Snow, seconding reading .....</b>	<b>3618</b>
<b>Theatres Amendment Act, Mr. Handleman, second reading .....</b>	<b>3619</b>
<b>Third reading .....</b>	<b>3627</b>
<b>Motion to adjourn, Mr. Grossman, agreed to .....</b>	<b>3628</b>







# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Friday, July 4, 1975

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

## LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JULY 4, 1975

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.  
The hon. Minister of Energy.

### ENERGY PRICES

**Hon. D. R. Timbrell** (Minister of Energy): Mr. Speaker, in his statement yesterday the Premier (Mr. Davis) stated that we needed to gather information during the 90-day price freeze on refined petroleum products sold in Ontario. In that regard, he announced the formation of a one-man royal commission to marshal the facts and to make recommendations.

Today, Mr. Speaker, I would like to inform the hon. members of the terms of reference of the royal commission. The commissioner will inquire into price increases, occurring after the price freeze period provided by the bill, of petroleum products sold in Ontario other than those directly attributable to the price of crude oil itself. He will report on the relationship between any such increases and the interests of the consuming public with due consideration to the adequacy of the federal government guidelines as they apply to Ontario; the financial requirements of the industry; existing inventories and continuity of supply. The report shall be submitted to the Lieutenant Governor in Council by Sept. 30, 1975.

I am pleased to report, Mr. Speaker, that negotiations are under way with a prominent Canadian who has indicated his willingness to accept the appointment as commissioner. However, I am unable to divulge his name today until he has made arrangements for release from his present position. In the meantime, I can assure the House that his expertise in this field will enable him to fulfil the important role of ensuring the Ontario consumer is treated fairly.

### MOBILE HOMES

**Hon. D. R. Irvine** (Minister of Housing): Mr. Speaker, I am very pleased to announce that following an extensive review the On-

tario government is adopting additional policies to recognize mobile homes as an acceptable form of permanent housing. We define mobile homes as factory-built, single-family dwellings, designed to be transported on wheels, placed on permanent foundations and connected to public utilities.

Early last year, Mr. Speaker, the provincial government agreed to a request from the municipalities and introduced amendments which resulted in mobile homes being assessed and taxed as conventional housing and no longer subject to the licence fees payable on travel trailers. The government wants to ensure that mobile home owners enjoy substantially the same privileges and responsibilities as owners of conventional homes.

First, we will develop, in consultation with the municipalities, planning guidelines for mobile home park design. The government will also amend the Planning Act to provide for planning reviews of proposed mobile home parks. These reviews will be similar to reviews now required for subdivision approval. We hope that municipalities, once these planning revisions are made, will look on mobile home developments as they would any other housing development.

Secondly, it is our intention to bring mobile home owners who rent land in mobile home parks under the protection of the Landlord and Tenant Act.

Thirdly, we will ensure that mobile homes are included in the provisions of both the Ontario Building Code and proposed legislation on warranties and guarantees for homes. We hope similar provisions will be included in national legislation.

Fourthly, many mobile home purchasers are unaware that they may reduce the sales tax payable by having either the manufacturer or dealers install the mobile home on its permanent site. The Minister of Revenue has already issued tax folders to explain the Retail Sales Tax Act as it applies to mobile homes and publicity on these options will continue.

The Revenue Ministry is also recommending amendments to the Land Speculation Tax Act regulations, granting exemptions from that tax to mobile home park developers who sell lots to mobile home owners. Such exemptions



from the land speculation tax will apply to mobile home communities which comply with the planning guidelines I mentioned earlier.

Finally, Mr. Speaker, the Ministry of the Solicitor General and the Ministry of Transportation and Communications will help to ensure that more police escorts are available to lessen delays when mobile homes are being transported on public highways.

The Ministry of Housing will co-ordinate these initiatives for the government. Also, my ministry will be actively involved in the development of at least one mobile home community under the new planning legislation and design criteria.

Mr. Speaker, I have said repeatedly that this government is constantly looking for new and better ways to provide adequate, affordable housing for Ontario residents. I think, Mr. Speaker, these initiatives and others I have announced, should and will add well-built, well-planned, mobile home communities to the housing stock available in Ontario.

**Mr. Speaker:** Oral questions.

The hon. Leader of the Opposition.

## ENERGY PRICES

**Mr. R. F. Nixon** (Leader of the Opposition): Thank you, Mr. Speaker. I have a question of the Minister of Energy. Unfortunately, I didn't receive a copy of his statement, but I gather that in the first paragraph he said the royal commissioner would be asked to look only into those price changes that will take place after the freeze announced yesterday. Is there a plan in the government to refer these matters to the Ontario Energy Board on a continuing basis, since the royal commissioner will be reporting as of Sept. 30?

If he will forgive me for mentioning the Province of Nova Scotia again, would the minister not agree that the price change procedures in that jurisdiction have come under the review of their utilities board in a way which has proved to be effective, so that those people, technically expert in the field, can receive submissions not only from the oil companies but from experts independent of the oil companies, and it has been effective down there in restraining price increases on a continuing basis?

Why would the minister not be prepared to couple the announcement of the royal commissioner—whose name we await with interest—with a statement that the Energy Board of this province is going to have an overview of price changes, even during the period

when the royal commissioner is hearing and also beyond that?

**Hon. Mr. Timbrell:** Mr. Speaker, I think it fair to say that to involve both the royal commissioner and the Energy Board at this point would be a duplication. We have, as I have indicated on several previous occasions, carefully monitored the experience of the Nova Scotia Public Utilities Commission, which is the name of the body that carries out the function the member has detailed. In point of fact, we in the Ministry of Energy, after looking at that experience, and recognizing that gasoline prices in the Province of Nova Scotia, with that regulation notwithstanding, are higher than they are in the Province of Ontario, have concluded that that kind of regulation is not, in our opinion, warranted.

However, I would expect that the commissioner will consider that experience. In making recommendations to the government for the long term—how to cope with similar circumstances in the future—I am sure it is one of the things he will consider.

**Mr. R. F. Nixon:** Supplementary: Surely the minister is aware that the fact the prices in Nova Scotia are higher than in Ontario is a factor of other matters or rather depends on other matters than just the effectiveness of the public utilities commission; and that in fact they have stopped a price increase which the major oil companies have requested and which has been granted in this province and in other provinces? I believe the price increase about three months ago was nine-tenths of a cent. We accepted it here, but it was reduced to two-tenths of a cent in that province because it was not justified.

**Hon. Mr. Timbrell:** Mr. Speaker, the one most important factor missing in the Province of Nova Scotia by comparison with the Province of Ontario is the degree of competition. For instance, in Nova Scotia you will not find the type of operation known as Canadian Tire.

**Mr. I. Deans** (Wentworth): Why doesn't the minister compare it with someplace else? In fact my information is they had intended to go into Nova Scotia and are not now going to do so. There just isn't the kind of competition that keeps prices down.

**Mr. J. A. Renwick** (Riverdale): Mr. Speaker, by way of a supplementary question; will the minister consider putting the terms of reference on the order paper for debate in this assembly—we have precedent for it. We would have questions as to their adequacy, having regard to the fact there was no reference I could hear this morning to the ongoing pro-

tection of the consumer by way of some recommendation from the royal commissioner as to whether the industry should continue to be regulated in some way in the future for the protection of consumers?

**Hon. Mr. Timbrell:** Mr. Speaker, to answer the first part, no. To answer the second part I think I said—if not I will say it now—that as far as I am concerned that is a responsibility of the commissioner. Because of the breadth of the subject, I have tried not to tie him down too much but I do anticipate the commissioner must tell us at the end of the 90 days how to cope with this problem after the freeze, whether it is the 90 days or some extension of that.

**Mr. Renwick:** Why doesn't the minister say so?

**Hon. Mr. Timbrell:** I am saying that right now.

**Mr. Renwick:** It is not in the statement.

**Mr. Speaker:** The hon. member for York Centre.

**Mr. D. M. Deacon (York Centre):** Does the minister say the conditions that prevail, say, in northern Ontario, are much different from those in Nova Scotia? Is there not a substantial portion of this province where the conditions are quite similar, competition-wise and in every other matter?

**Hon. Mr. Timbrell:** I don't know the point of the question, Mr. Speaker. Would the member like to be more specific?

**Mr. Speaker:** The hon. member for Thunder Bay.

**Mr. R. F. Nixon:** He was asking about northern Ontario.

**Mr. J. E. Stokes (Thunder Bay):** Because the minister admits to the breadth of the inquiry to be undertaken by the commissioner, and because he made reference to the prices throughout the Province of Ontario, will the minister ask the commissioner to look into the existing differential between the south and the north—which can be as much as 15 to 20 cents a gallon—with a view to rolling back existing prices in the north?

**Hon. Mr. Timbrell:** Mr. Speaker, I anticipate the commissioner will have a number of issues put before him. The member and I have discussed this outside this House and inside—more outside than in—and it is something we are concerned about. Whether the commissioner will be able to cope with that as well within the 90 days I don't know, but

certainly if it can be done I will suggest it. I have my doubts as to whether it can within that period of time—he can't do everything in that period of time.

**Mr. Speaker:** The hon. member for Cochrane South.

**Mr. W. Ferrier (Cochrane South):** Would it be possible, if the commissioner can't do what the member for Thunder Bay has asked within the 90 days, for the commissioner's period of appointment to be extended so that he could look into this question and report back on it?

**Hon. Mr. Timbrell:** I expect, the commissioner, in making whatever recommendations he will at the end of the 90-day period, would indicate to the government whether further studies should be carried out, and if so, in his opinion on what subjects.

**Mr. Speaker:** The hon. Leader of the Opposition?

#### PETROLEUM PRODUCT STOCKPILES

**Mr. R. F. Nixon:** Yes; may I ask a further question of the minister on a related matter?

Since the concept of the freeze yesterday was apparently to extend the 45-day freeze put forward by the federal government by another 45 days, I presume to use up the supplies of old oil—

**Mr. D. H. Morrow (Ottawa West):** They didn't have a 45-day freeze.

Interjection by an hon. member.

**Mr. R. F. Nixon:** Yes—which would be available to the distributors so they would not have the advantage of charging higher prices on oil they had purchased at the price before July 1—I ask the minister about this and he might want to refer it to someone else. As Minister of Energy, is there some procedure whereby the smaller companies which do not have a long-term oil supply—according to the information they make available and which must be available to this minister—are not going to suffer in comparison with the bigger companies which have a greater supply of oil available?

**Hon. Mr. Timbrell:** Mr. Speaker, I think I indicated yesterday that that kind of question, dealing with the legislation, should more properly be put to the Minister of Consumer and Commercial Relations (Mr. Handleman).

**Mr. R. F. Nixon:** It has to do with oil supply.

**Hon. Mr. Timbrell:** Yes, I am well aware of that but I want to point something out to the member. He talks about extending the federal freeze. I want to point out: One, the federal freeze is voluntary; two, it applies only to wholesale prices; and three, it does not cover propane, which in northern Ontario is a significant factor. The freeze this government has imposed covers wholesale and retail, is compulsory and does cover propane.

**Mr. R. F. Nixon:** It covers everything but electricity.

I would like to direct the question to the hon. minister who is an expert in oil supply, the Minister of Consumer and Commercial Relations.

**Hon. S. B. Handleman** (Minister of Consumer and Commercial Relations): Mr. Speaker, if the hon. member would like to address the question to me, I would appreciate hearing the question.

**Mr. R. F. Nixon:** I thought the minister was paying attention because the question was directed by his colleague to him as having the conduct of the legislation. Is there going to be a procedure whereby the small oil distributing companies, which do not have a supply of oil which would last them for 90 days or possibly even longer which had been purchased at the old price, are going to be given some consideration in comparison with the large oil companies which, according to the figures that the Minister of Energy has and has indicated that he would make available, do have a supply of oil at the old price, the pre-July 1 price? Is there some means whereby some balance and equity for the smaller companies can be achieved?

**Hon. Mr. Handleman:** Mr. Speaker, I have no information as to which companies have a supply and which don't. There is provision in the legislation for flexibility in the administration of the Act. I would certainly rely on whatever information is made available to me in making recommendations to the Lieutenant Governor in Council under that section of the Act.

But at the moment, I have no information as to which companies have supplies and which don't. I've heard estimates ranging from 30 days to 113 days. I have no idea of the identity of the companies that are being spoken about.

**Mr. Renwick:** By way of a supplementary question: What are the circumstances under which the government will permit increases in petroleum and natural gas products over

the prices which have been frozen at June 23 as provided in the bill?

**Hon. Mr. Handleman:** Mr. Speaker, at the present time there are no circumstances to my knowledge. However, I'm sure as the bill proceeds in the course of administration certain circumstances will be brought to us and we will consider each one on its merit.

**Mr. R. F. Nixon:** Mr. Speaker, I would like to put another question to the Minister of Energy. Why is it that he could not at least respond to my question? He indicated his colleague should answer the question having to do with the supply of oil, when obviously it's the Minister of Energy who has the responsibility to have that information. Has he the information on the oil supply and could he communicate it to us or to his colleague?

**Hon. Mr. Timbrell:** Mr. Speaker, the hon. member was asking details of the legislation which does not stand in my name. It stands in the name of the hon. Minister of Consumer and Commercial Relations.

**Mr. R. F. Nixon:** It has to do with oil supply.

**Hon. Mr. Timbrell:** As to the question of oil supply the Ministry of Energy has carried out extensive studies of the most recent available figures, comparing them to a year ago. The Minister of Energy, Mines and Resources of Canada indicated in the House of Commons, on Wednesday afternoon I guess it was, that figures will be tabled in the next week or so. We await those figures with great interest in the hope they will confirm the best calculations we've been able to make.

It is the practice of the National Energy Board and the National Department of Energy, Mines and Resources that the companies must file on the 10th of each month their inventory figures as of the first of each month. So I anticipate that the federal minister will release this information about this time next week.

**Mr. R. F. Nixon:** A supplementary: Could we get an undertaking from the minister that those figures would be made available to us as they apply to Ontario so that we could have a look at them by the time that bill comes forward for second reading, which I presume will be next week?

**Hon. Mr. Timbrell:** Mr. Speaker, I understand that the bill will come forward for second reading on Monday. I'm sure the hon. member will agree the sooner it's passed the better.



**Mr. R. F. Nixon:** It doesn't make any difference. The date is set.

**Hon. Mr. Timbrell:** As soon as the figures are made available to me by the federal Minister of Energy, Mines and Resources—

**Mr. R. F. Nixon:** The minister doesn't have them, eh?

**Hon. Mr. Timbrell:** Mr. Speaker, I just finished telling the member—

**Mr. R. F. Nixon:** The minister said he had done a full survey.

**Hon. Mr. Timbrell:** —who perhaps on a Friday morning is not able to comprehend; if so that's too bad.

**Mr. R. F. Nixon:** They are not good enough to be tabled.

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** I just finished telling him we have done the best calculations possible with the information available from Statistics Canada, from the Department of Energy, Mines and Resources and NEB.

**Mr. R. F. Nixon:** We would like the figures on which the government based its decisions.

**Hon. Mr. Timbrell:** When we have the latest figures—and I'm sure the Leader of the Opposition wants the most accurate and latest figures—we'll be glad to make them available.

**Mr. Speaker:** Does the member for Riverdale have a supplementary?

**Mr. Renwick:** No.

#### PICKERING AIRPORT

**Mr. R. F. Nixon:** I have another question, this one of the Minister of Transportation and Communications. Is there any statement forthcoming from his ministry or from the government in general having to do with the Pickering airport programme? There was some indication of a statement of government policy two weeks ago and we still haven't heard anything, although evidently there has been communication with the government of Canada having to do with its long-range plans for the Pickering airport.

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Mr. Speaker, as the hon. member knows, we have received a letter from Mr. Marchand outlining what the position of the federal government was. That

letter was addressed to the Premier. There is a reply being prepared to go back to Mr. Marchand. I believe we stated at that time that we were going to reply to the letter and when we did we would table both letters in the Legislature at that time.

**Mr. R. F. Nixon:** Might I ask a supplementary? As Minister of Transportation and Communications, are there currently plans and decisions that have been made having to do with the servicing, by means of roads and other things that come under the Ministry of Transportation and Communications' responsibility, of the new Pickering site? Are we presently spending money on surveys, studies or even actual work on the site for the road facilities?

**Hon. Mr. Rhodes:** Mr. Speaker, our involvement so far has been to take part in a study team that was made up primarily of Ministry of Transport people to look at what the needs would be for surface transportation into the Pickering airport site. Some work has been done but it was not specifically related to the Pickering airport development. It would have been work that would have been done in terms of development of road facilities in that area, with or without an airport. But we have been working on a study team with the Ministry of Transport looking at ground transportation facilities.

**Mr. Speaker:** The member for Carleton East.

**Mr. P. Taylor (Carleton East):** Mr. Speaker, would the Minister of Transportation and Communications say whether or not there is an agreement in place between Ontario and the government of Canada to build those access routes in the event the airport is finally approved?

**Hon. Mr. Rhodes:** Mr. Speaker, to the best of my knowledge there is no such agreement. We have indicated that should things proceed as the federal government have indicated they would like them to proceed, then we would have negotiations and discussions with them. But to the best of my knowledge there is no formal agreement.

**Mr. Speaker:** The hon. Leader of the Opposition.

#### OLYMPIC TICKETS

**Mr. R. F. Nixon:** Mr. Speaker, I have a question of the Minister of Industry and Tourism. I'm not sure, actually, to whom it

should be directed but perhaps he could have the information gathered.

What is the story on these 14,000 Olympic tickets that are supposed to be made available to members of the Legislature and members of the National Assembly of Quebec? Has there been a request from the government for these free tickets; and why shouldn't they be left to be part of the open sale of tickets to the Olympics?

**Hon. Mr. Handleman:** What free tickets?

**Mr. G. Nixon (Dovercourt):** Those are not free tickets.

**Mr. J. M. Turner (Peterborough):** Why doesn't the Leader of the Opposition wake up?

**Hon. C. Bennett (Minister of Industry and Tourism):** Mr. Speaker, since the question was directed to myself, I can only suggest to the Leader of the Opposition that it would be better directed to his colleagues at Ottawa. They are the ones who seem to have a bigger part to play in the Olympics, sir. That is not a decision of our government at all. The only thing I know about it is what I read in the newspaper, and that is very different to what the Leader of the Opposition is suggesting.

**Mr. G. A. Kerr (Halton West):** He wouldn't know a javelin from a discus.

**Mr. Morrow:** Ontario just pays the shot.

**Mr. R. F. Nixon:** A supplementary, while the geese are cackling back there—

**Mr. E. M. Havrot (Timiskaming):** We are not a bunch of freeloaders like the Liberals.

**Mr. R. F. Nixon:** Supplementary to the minister: Would it not concern the minister and his colleagues—maybe not his back-bench friends, who are the free ticket brigade, first in line everywhere—

**Mr. Turner:** The Liberals should know all about that.

**Mr. R. F. Nixon:** Would it not concern the minister that apparently the directors of the Olympic Games are setting aside 16,000 tickets and they are reserved for very important persons, like those guys in the back row, for members of the Ontario Legislature and other parliamentarians?

Interjections by hon. members.

**Mr. G. Nixon:** How many did the Leader of the Opposition get?

**Mr. R. F. Nixon:** Why don't we say that those should be put out for sale to anybody that wants to buy them, including us?

Interjections by hon. members.

**Mr. Speaker:** Order.

**Mr. R. F. Nixon:** Why shouldn't they be for sale?

**Hon. Mr. Bennett:** Mr. Speaker, in answer to the hon. member's alleged point—

**Hon. Mr. Rhodes:** The Leader of the Opposition is really drastic today.

**Mr. S. Lewis (Scarborough West):** Not drastic—frantic; kind of frantic.

**Hon. Mr. Bennett:** First of all, I think if he reads the article and if he recalls the letter that he might have received from the Olympic people, the tickets are not free. They can be purchased by the members of the Legislature. The Leader of the Opposition has the same right as any other member of this Legislature, I would imagine, to refuse to accept this special offer, as I have done.

**Mr. Morrow:** And as I have done.

**Hon. Mr. Bennett:** Individuals can make up their minds.

**Mr. R. F. Nixon:** We ought all to have refused them.

**Mr. G. Nixon:** Three strikes and he is out.

**Mr. Turner:** Try again.

Interjections by hon. members.

**Mr. Speaker:** Order, order.

**Mr. Lewis:** Just a moment—

**Mr. Speaker:** The hon. member for Scarborough West has a supplementary?

**Mr. Lewis:** By way of a supplementary, has an offer been made? I mean, have members of the Legislature been informed of an offer they couldn't refuse?

**Hon. Mr. Bennett:** Like the member for High Park (Mr. Shulman)?

**Hon. Mr. Handleman:** We were asked to buy tickets.

**Mr. Lewis:** What is this offer the minister is talking about? Have letters been sent out to members?

**Hon. Mr. Handleman:** We were asked to buy tickets.

**Hon. Mr. Bennett:** Mr. Speaker, the only thing I can report is that in the mail I've received in a very general way, there was an offer from the Olympic committee to myself as a member of the Legislature, not as a minister, that if I wish to—

**Mr. R. F. Nixon:** Has anybody else had one? The minister is the only one who has had it.

**Hon. Mr. Bennett:** Don't ask me; maybe the mail coming to the Liberals from Ottawa is a little slower than the mail coming to the Tories; that would be a great change.

**Mr. R. F. Nixon:** Maybe so. Has the minister accepted his free tickets? Has he got his free tickets?

**Mr. L. C. Henderson (Lambton):** There will be no Liberals in the House at that time.

**Hon. Mr. Bennett:** My understanding is the letter is a general one and it offers members tickets for various events—

**Mr. Lewis:** It does?

**Hon. Mr. Bennett:** That's correct, at a price—not a special price.

**Mr. Lewis:** Nobody sends me any letters. Only the member for High Park sends me letters.

**An hon. member.** The member for Scarborough West is not on the list.

Interjections by hon. members.

**Mr. Speaker:** Does the hon. Leader of the Opposition have another question?

The member for Scarborough West.

**Mr. Lewis.** No, the member for Riverdale.

**Mr. Speaker:** The member for Riverdale.

**Mr. Lewis:** Just make sure he doesn't monopolize the question period.

## ENERGY PRICES

**Mr. Renwick:** I've just been told by the leader of the party not to take more than my share of time. Mr. Speaker, I have two or three questions for the Minister of Energy:

Will the minister explain why he will not put on the order paper the terms of reference as proposed for the royal commission, so they can be debated? I heard his answer to my supplementary, which was "no", but what are the reasons he will not permit a debate on those terms of reference?

**Hon. Mr. Timbrell:** Mr. Speaker, I guess that's a prerogative question—the member is asking if I am prepared to table that. I think it's important that we get on with the commission as soon as possible. If the member is not happy with the terms of reference, I would anticipate that he would say so, whether there's a debate or not. I'm just anxious that the job be begun.

**Mr. Renwick:** Mr. Speaker, a further question of the Minister of Energy: What response does the minister have to the question that what the oil industry loses on the roundabouts it will pick up on the swings, as stated by Mr. McAfee, the president of Gulf Oil, that the added cost to the industry will eventually have to be recovered in the marketplace?

**Hon. Mr. Timbrell.** Mr. Speaker, I didn't hear what Mr. McAfee—

**Mr. E. W. Martel (Sudbury East):** They'll sock it to us after the election.

**Hon. Mr. Timbrell:** No, Mr. Speaker; and I didn't hear what the president of Gulf Oil had to say.

**Hon. Mr. Rhodes:** We know who is going to be here after the election.

**Mr. Martel:** I'll be here.

**Mr. M. Shulman (High Park):** I won't.

**Hon. Mr. Timbrell:** But I would say that particular subject I am sure will and must be considered by the commissioner, as I mentioned in the statement.

One of the main points is to consider the question of any possible increases after the freeze, other than those directly attributable to the increase in the cost of crude oil. So that kind of comment, whether made by that gentleman or made by the member, will have to be considered by the commissioner.

**Mr. Renwick:** Well, Mr. Speaker, by way of supplementary question: Why doesn't the minister, now that he has invited us to do so, amend the terms of reference to provide specifically that the commissioner is to recommend to the government of Ontario the procedures by which, in the ongoing continuing future, the prices of petroleum products in Ontario will be regulated?

**Hon. Mr. Timbrell.** Mr. Speaker, as I have indicated this morning, I think the terms of reference as drawn, are broad enough to give the commissioner enough discretion in terms of what he can handle within the 90 days.



I have indicated the two priorities. First of all, what to do at the end of the 90 days—whether the commissioner, as a result of his studies, concludes that either an extension of the freeze is necessary, or some other form of control with regards to potential or possible increases other than crude oil cost increases. The second thing is how best to cope with this kind of thing if, as and when the federal government foists it on us again.

**Mr. Renwick:** Mr. Speaker, if I could go on to a further question. Now that the Premier has met with the heads of the oil companies, what meetings have taken place either by him or others with Consumers' Gas, Union Gas and other retail and wholesale suppliers of natural gas in Ontario, to ensure the adequacy of the reserves within Ontario or to assure there is no interruption of supply of natural gas during the period of the freeze and thereafter?

**Hon. Mr. Timbrell:** Mr. Speaker, as the hon. member knows, the prices of natural gas are, in fact, frozen until Nov. 1. The increase imposed by the federal government will not take effect until that time. Secondly, it is the role of the Energy Board to ensure, as they have in the past, that any stock on the shelf passes through at the old price—

**Mr. Martel:** Where will I find it?

**Hon. Mr. Timbrell:** —before the increase goes through. Now I would anticipate that by Nov. 1 there will possibly be, as well, rulings by the National Energy Board—

**Mr. Martel:** Where will the minister be?

**Hon. Mr. Timbrell:** —on the tariffs on TransCanada PipeLines. So those will have to be considered by our own Energy Board as well before they can be considered to be passed through.

Now, as for the other point in the question, there is ongoing and regular consultation with the companies as to their supplies and their projections for the next year. The responses I have had to questions of that type that I have put to them in recent weeks and months is that they do not foresee a problem for the coming winter.

**Mr. Renwick:** Mr. Speaker, by way of supplementary question: I take it that the minister has not met with the top management of the natural gas supply companies to assure there is no interruption of supply to the Province of Ontario?

**Hon. Mr. Timbrell:** Mr. Speaker, I just finished saying—I can't remember the specific dates—but I do know that within recent weeks and within the last month I have met at least once with each of the presidents of the three main companies, Union Gas, Consumers' Gas and Northern and Central. The question of supply and my concern for the coming winter have all been discussed and they have assured me there will not be a problem this coming winter.

I might as well throw this issue out—for instance, now that the federal government has resolved this, we want to know—and I will, hopefully, be discussing this with Macdonald in the next few weeks—what they are going to do about two permits held up in Alberta at present—I think they have been held up now for two years—export or exit permits for TransCanada PipeLines for supplies of natural gas. We would hope that those would be freed very quickly; the concern there being the winter of 1976-1977, not 1975-1976.

**Mr. Renwick:** My last question of the Minister of Energy: Since the prime source of energy within the Province of Ontario is uranium and since during the war the jurisdiction of Ontario was ousted by the federal government, will the minister give consideration to reasserting against the federal government the jurisdiction of Ontario with respect to the domestic use of uranium so that we can have control over our major source of energy supply—or at least consult with the federal government to share such jurisdiction?

**Hon. Mr. Timbrell:** Mr. Speaker, since about March, I have written on at least three or four occasions to the Minister of Energy, Mines and Resources of Canada expressing to him some concerns about the way they are operating their guidelines and whether it is possible to take back from the federal government the jurisdiction the member refers to. I have asked that question and am awaiting an opinion.

I think, though, we must remember that uranium must be considered a national resource. Certainly we are involved, through the Department of Energy, Mines and Resources and the Department of Trade and Commerce—or Industry, Trade and Commerce at Ottawa, whatever it is—in giving them our comments on their export permits.

#### HATE LITERATURE

**Mr. Renwick:** Mr. Speaker, if I could address a question to the Attorney General: With reference to the charges laid by the Toronto

police on the question of hate literature and the intended withdrawal of those charges against Crombie, Havers, Chandler and Yorkick, is it because the Attorney General has refused to give his consent to those prosecutions? If not, what discussions has he had about it?

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Speaker, I've read it in the press but I'm not aware of any obligation on the Attorney General to give consent as he must, of course, under certain other legislation like the federal Lord's Day Act.

**Mr. V. M. Singer** (Downsview): A section of the Code requires the minister's consent.

**Hon. Mr. Clement:** I'm not aware of my consent being required in connection with this. I can tell members, on the particular matter the member for Riverdale refers to, the police did lay three charges under section 281 or whatever it is of the Code—

**Mr. Singer:** With the consent of the Attorney General.

**Hon. Mr. Clement:** With no consent of anyone. They went ahead and laid the charges and when the charges were laid they consulted someone at the Crown attorney's office—I believe it was the Crown attorney, Mr. Rickaby—who was of the opinion that the charges would not stand. Accordingly, I am advised now by reading the press this morning, they are going to be withdrawn.

**Mr. Renwick:** Mr. Speaker, by way of a supplementary question, are there at the present time any pending prosecutions, to the knowledge of the Attorney General, on the question of the adequacy of the hate literature provisions of the Criminal Code?

**Hon. Mr. Clement:** Does the member mean charges being considered or charges already laid pending trial? I don't understand the question. Does he mean ones being considered by our ministry or people within it or charges which have been laid?

**Mr. Renwick:** I mean charges which have been laid.

**Hon. Mr. Clement:** I'm not aware of any, other than the ones we have touched on in our conversation, or whether there are any charges under that section.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Does it not bother the minister that the Metropolitan Toronto police would

be so quick to lay the unusual charges under the hate literature sections of the Criminal Code against a few pathological Maoists who have literature called "Yankee Go Home" during the Shriners' week but failed to find the opportunity to lay charges involving all of the literature singled out by the Human Rights Commission as offensive to dignity and civil liberties, distributed by the Western Guard, and failed to lay charges around the designing of swastikas and foul obscenities of a racist kind on churches and temples around the city? Doesn't he find it a peculiar sense of priority on the part of the Toronto police that they would leap in this instance but be so slow in the other?

**Hon. Mr. Clement:** Mr. Speaker, I think we should separate the various matters touched on by the leader of the New Democratic Party. With regard to the swastikas—

**Mr. Lewis:** All right, stick with the literature the Human Rights Commission has singled out.

**Hon. Mr. Clement:**—in those instances and in all instances, as far as I am aware, we don't know who put them there. They are there in the morning. It's not a matter of non-policing.

With reference to the other types of literature dealing with various minority groups, these come into the hands of the police, obviously. The Crown attorney is invariably consulted to ascertain if legally, in his opinion, a charge should be laid. Regretfully in many instances the Crown attorney on a pure matter of law is unable to go ahead and process these types of charges. I am not happy with it. I will tell the member that. I have seen a great many types of that literature, as I am sure a number of the members of this House have.

**Mr. Lewis:** I know the minister is not happy with it. So have I seen such literature.

**Hon. Mr. Clement:** It is obscene and it's disgusting, and so on. Yet in a pure legal sense we regretfully have to advise more often than not that we are unable to go ahead by way of prosecution.

## RENT CONTROLS

**Mr. Renwick.** Mr. Speaker, I have a final question of the Minister of Housing. Now that the government has got its feet wet in the area of protecting the consumer of the province, what intention does the minister have to introduce, during this session, legisla-

tion with respect to either a rent control or a rent review?

**Hon. Mr. Irvine:** That matter, Mr. Speaker, will be determined in the next few days.

**Mr. Lewis:** Oh!

**Mr. Speaker:** The Minister of Housing has an answer to a previous question.

**Mr. Lewis:** The government should have an election every year. It does so much in the six months before it.

**Hon. Mr. Handleman:** We would win every one anyway.

**Hon. Mr. Irvine:** Mr. Speaker, can I have the attention of the member for Scarborough West, please?

**Mr. Lewis:** Oh, my question? Thank you; good.

#### OHC LETTER TO TENANTS

**Hon. Mr. Irvine:** On June 27 the member asked the following question:

Does the Minister of Housing think the tone and contents of a letter written by a senior area supervisor are perhaps harassing and intimidating? Does the insistence of entry into apartments conform to the Landlord and Tenant Act? Will the minister comment on the last paragraph of the letter which reads: "If you have a night chain, please leave it unlocked, so that it will not be necessary to break the locks"?

The hon. member, Mr. Speaker, was referring to and was inquiring about the contents of the letter signed by an OHC senior area supervisor and sent to tenants at 444 Lumsden Ave. in East York. The letter was sent, following complaints from members of the Lumsden Tenants' Association, in an attempt to identify the location of individually installed washing machines. It was felt that the machines were responsible for a problem of soapsuds backing up in apartment sinks causing offensive odours and also for a three-fold increase in the consumption of water at this development in the first quarter of the year compared to the same period last year.

I must agree with the hon. member for Scarborough West, that the tone and contents of the letter are not what one would normally expect. The letter does not reflect OHC procedures and does not conform completely with provisions of the Landlord and Tenant Act. Appropriate action has been

taken and another letter will be sent to tenants apologizing for any annoyance and inconvenience that the original letter may have caused.

**Mr. Lewis:** And they didn't find the washing machines either. He has struck out on all counts.

**Mr. Speaker:** The hon. member for Rainy River.

#### GWELL INVESTMENTS

**Mr. T. P. Reid (Rainy River):** I have a question of the Minister of Industry and Tourism. When is he planning to answer my letter of some two months ago, the question I put on the order paper in regard to Gwell Investments and Don Martin of Thunder Bay and the amount of government largesse that he has been able to extract from this ministry for his various enterprises in northwestern Ontario?

**Hon. Mr. Bennett:** Mr. Speaker, I was of the opinion that we had answered the question, but I shall take it under advisement again.

**Mr. Speaker:** The hon. member for High Park.

#### ALLEGED THEFT BY CUPE OFFICIALS

**Mr. Shulman:** I have a question of the Attorney General, Mr. Speaker. In view of the evidence that has been laid before the Ontario Provincial Police, does he intend to lay charges against the officials of CUPE who stole the money from the Treasury? Is he able to say how much money has been stolen, and does he intend to lay charges against the official of CUPE who has been so strenuously attempting to divert the course of justice by preventing the facts being laid before the OPP?

**Hon. Mr. Clement:** Mr. Speaker, the member for High Park refers to a matter he discussed with me outside the House, I believe two days ago. Since that time, I understand that the same member has had some discussions with the Ontario Provincial Police.

**Mr. Shulman:** They have all the documents.

**Hon. Mr. Clement:** I have not received any direct report from the OPP with reference to that particular matter but if, after the discussions with the hon. member for High Park,



the police are of the opinion that, indeed, an offence has been committed then, of course, we would be proceeding by way of a charge or charges against those involved.

**Mr. Speaker:** The hon. member for Essex-Kent.

#### QEW RAMPS CONTROL PROBLEM

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I have a question of the Minister of Transportation and Communications. Can the minister tell us whether his new median system of controlling ramps on the Queen Elizabeth Way at Highway 10 and Mississauga Rd. is proving satisfactory—or is it not, in fact, working in reverse?

**Hon. Mr. Rhodes:** Mr. Speaker, we started that system yesterday, and I have had the reports back. It has not been very successful. It has been successful in doing one thing, in backing up the traffic on the ramp—that's about all it has done. Quite frankly, we are not very happy with the way it is working. Delays were created that did cause considerable backup. We are trying to rectify that and hopefully have it moving a lot smoother. It is not working very well.

**Mr. Speaker:** The hon. member for Scarborough West.

**Mr. Lewis:** Is the Minister of Energy still in the precincts? If not, I will direct my question to the House leader, Mr. Speaker. Can I ask the House leader to leave the House dean (Mr. Downer) for a moment and answer a question?

**Mr. Reid:** Nice to see the member for Dufferin-Simcoe.

**Hon. Mr. Rhodes:** I am amazed the member for Rainy River can see this far.

**Mr. Lewis:** Okay, I just wanted to ask him—

**An hon. member:** He can listen while he is walking.

**Mr. Deans:** Really, can he do more than one thing at a time?

#### HYDRO RATE INCREASE

**Mr. Lewis:** Can I ask the House leader, now that the extravaganza of yesterday is over, is he prepared to indicate to the House—

**An hon. member:** Does he mean the Shriners' parade?

**Mr. Lewis:** Is he prepared to indicate to the House what I understand from well placed and very reliable sources is true? That the government and the cabinet have decided to roll back the Ontario Hydro rate increase at an appropriate moment in time in the very near future—presumably after the Ontario Energy Board has reported to cabinet—and can he indicate the basis on which the roll-back will be made?

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** Mr. Speaker, the informer of the hon. member is not very well informed.

First, let me say that, as I understand it, or believe there can be no increase in any event until Jan. 1.

**Mr. Martel:** Well after the election, too.

**Hon. Mr. Winkler:** The government will, of course, be guided by the decisions of the Energy Board. Until that time, I don't think cabinet or any of my colleagues are prepared to make any commitment.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** By way of supplementary, as he opens another compartment in his political survival kit, is it not true that the word is carefully out that when Ontario Energy Board reports to cabinet on the Hydro rate increase, there is now in preparation a basis on which a public reduction will be indicated applicable for Jan. 1? Is he denying that that will occur?

**Hon. Mr. Winkler:** No, I am not denying that will occur, but when policy is determined it will be announced to the Legislature.

**Mr. Lewis:** Thank you.

**Hon. Mr. Winkler:** I might say, Mr. Speaker, that our survival kit is full of scalpels.

**Mr. Martel:** That's right.

**Mr. Lewis:** It is certainly inexhaustible.

**Mr. Reid:** It cuts both ways, too.

**Mr. Martel:** The price is right in Ontario now.

**Mr. Reid:** On the other hand, they won't have any arms left.

**Mr. Martel:** The price is right; \$600 million in debt. We will pay for it after the election.

## CONTRACT EMPLOYEES

**Mr. Deacon:** A question of the Chairman of Management Board: When will the minister answer the question I submitted on March 25 concerning the number of employees under contract on a temporary basis as of Dec. 31, 1974, 1973 and 1972, and what were the total payments made to such persons in the years 1974, 1973 and 1972?

**Hon. Mr. Winkler:** Mr. Speaker, I will have that answer ready just as soon as I possibly can.

**Mr. Deacon:** It is 3½ months since I asked it.

**Hon. Mr. Winkler:** Inasmuch as it is under my jurisdiction, I will do that for the hon. member.

**Mr. Speaker:** The hon. member for Thunder Bay.

**Mr. Stokes:** Yes, I want to thank the Minister of Transportation and Communications for getting the foreign aircraft off our north-eastern highways as he did yesterday.

Interjections by hon. members.

## ACCESS TO AMETHYST MINES

**Mr. Stokes:** I have a question for him, by the way. Will the minister undertake to assist the amethyst mines in northern Ontario to upgrade the roads so that they can provide more reliable and safe access to the amethyst deposits, now that it seems we are embarking upon a new industrial undertaking surrounding the amethyst mines in northwestern Ontario? Will he undertake to assist those mine operators to upgrade those roads to make them more accessible and safer?

**Hon. Mr. Winkler:** The member is going to buy them out with the money he is going to make.

**Hon. Mr. Rhodes:** Mr. Speaker, I will certainly entertain any request to consider upgrading the roads. It seems to me this possibly could be an area where the Northern Ontario Resources Transportation fund could well be used as a resource; if there is an upgrading required, I would be happy to entertain any request to consider it.

**Mr. Speaker:** The hon. member for St. George.

## HOME RENEWAL PROGRAMME

**Mrs. M. Campbell (St. George):** Mr. Speaker, my question is to the Minister of Housing. Could the minister confirm or deny whether a water well is regarded as an improvement item for purposes of an Ontario home renewal loan? If it isn't, why isn't it, in view of the allowances for plumbing in cities?

**Mr. Lewis:** And considering how often one goes to the well.

**Hon. Mr. Irvine:** Mr. Speaker, first of all, I would say I don't think it is allowable under the home renewal programme. I will look into the matter and contact the member directly to ensure that we are giving the right answer.

**Mrs. Campbell:** Supplementary: If it isn't, why isn't it?

**Hon. Mr. Irvine:** Well, I will determine that after I have looked into it.

**Mrs. Campbell:** Oh, the minister will look into it?

**Hon. Mr. Irvine:** Yes.

**Mr. Speaker:** The member for Sandwich-Riverside.

EMPLOYMENT PROSPECTS OF  
HANDICAPPED PERSONS

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, a question of the Minister of Labour: Has the minister any further report of progress in giving opportunities for employment to the handicapped?

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Speaker, there is nothing further to report to the House at the present time. I indicated to the hon. member that I would start action and I have started action within my ministry to investigate what other jurisdictions are doing, as well as to assemble a selection of reports that the government has already done in connection with this. I hope to study those during the summer and to have something to report in the fall, sir.

**Mr. Speaker:** The member for Windsor-Walkerville.

## RAILWAY RELOCATION

**Mr. B. Newman (Windsor-Walkerville):** Mr. Speaker, I have a question for the Minister of

Transportation and Communications. Is the minister prepared at this time to inform us which four cities are being selected for railway relocation studies?

**Hon. Mr. Rhodes:** No, Mr. Speaker, I am not. As I told the hon. member last week, we had left the question of selection to the Provincial-Municipal Liaison Committee and we had requested them to get back to us as quickly as they could. We have as yet not heard from them. We submitted the names of eight municipalities within the province that were ready to go ahead with studies. We asked them to consider possibly four of those eight, and we have not heard back from them as yet.

**Mr. B. Newman:** Supplementary, Mr. Speaker: Will the minister inform us as to whether he has set a definite deadline by which they must report the names of the four centres?

**Hon. Mr. Rhodes:** There is no definite deadline. What we suggested to them at the time—and the chairman, Mr. Eggleton, fully agreed—was that they would get back to us very quickly, before the end of July. We wanted to get it earlier than that if possible, because we would like to get at least four of these studies under way, but we haven't heard back as yet.

**Mr. Speaker:** Time is just about up. The member for Sudbury East has a question.

#### CHILD WELFARE LEGISLATION

**Mr. Martel:** Mr. Speaker, a question of the Minister of Community and Social Services: Has he had an opportunity to present to the policy minister the position paper presented at the meeting on May 3 with respect to rewriting the Child Welfare Act? If so, has he established a date at which time he will reconvene a meeting of those people who were involved to indicate the government's position with respect to that Act?

**Hon. R. Brunelle** (Minister of Community and Social Services): Mr. Speaker, if the hon. member is referring to the meeting on prevention, I wrote to the hon. members in the last couple of days. If the member hasn't received my letter, I will send him a duplicate.

**Mr. Martel:** No, I am speaking about the meeting held in the minister's office on May 13 with respect to the Child Welfare Act and the position paper presented at that time with respect to rewriting that Act. The minister

indicated he wanted to take it to the policy ministry and then would give us a reply.

Has that been done? Has he given that position paper to the policy minister and has he decided whether or not he will reconvene the group of people who were in his office to discuss the possibility of establishing a committee to rewrite or redraft the Child Welfare Act?

**Hon. Mr. Brunelle:** Mr. Speaker, there will certainly be amendments to the Child Welfare Act and that will be done in the fall session.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

Mr. Wardle from the standing miscellaneous estimates committee reported the following resolution:

**RESOLVED:** That supply in the following amounts and to defray the expenses of the Ministry of Culture and Recreation be granted to Her Majesty for the fiscal year ending March 31, 1976:

#### MINISTRY OF CULTURE AND RECREATION

Ministry administration	
programme .....	\$21,923,000
Heritage conservation	
programme .....	9,577,000
Arts support programme .....	45,233,000
Multicultural support and	
citizenship programme .....	6,270,000
Libraries and community	
information programme .....	22,427,000
Sports and fitness programme ..	16,719,000

**Mr. Speaker:** Motions.

Introduction of bills.

#### NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT AMENDMENT ACT

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves first reading of bill intituled, An Act to amend the Niagara Escarpment Planning and Development Act, 1973.

Motion agreed to; first reading of the bill.

**Mr. Deans:** Mr. Speaker, before the orders of the day, I rise to ask for your guidance and assistance. Last evening again we had some difficulty in determining whether a bill



was a bill of special interest. You will recall, sir, that early in the session the procedural affairs committee brought in a report which was debated by this Legislature and which contained within it a clause which said that committees studying bills could, if the bill was of special interest, have the proceedings recorded.

**Mr. B. Newman:** Yes, if it's of special interest.

**Mr. Deans:** If they determined the bill was of special interest. Thank you, I think I said that. I have come to the conclusion that it's virtually impossible to have agreement on what bill is of special interest. The House leader will recall we tried in the House, on the education bill, by having the House approve the recording in advance of the committee hearings. That committee determined the bill was not a special interest bill.

Last evening, in the committee it was tried on the matter of the Environmental Hearing Board bill to determine whether that bill was of special interest and whether the proceedings ought to be recorded. The committee decided on a split—government versus opposition—that the bill was not of special interest.

It seems to me that for as long as the government is going to exercise its prerogatives and require its committee members to vote against the recording of any hearing of any bill, we are not going to have anything ever recorded. I spoke with the Clerk and without attributing any words to him—I leave it up to him to clear it up—I think he agreed with me that the words "special interest" were very difficult to define and it was very difficult for anyone to determine what, in fact, they meant. To be quite frank, that was one of the points raised by a number of the government backbenchers during the committee hearing—what did special interest mean?

What I am asking of you today, as the guardian of the rules of the House, is that you require the procedural affairs committee to sit once again and reconsider that clause dealing with special interests. The procedural affairs committee should come forward with a definition in order that we can clearly understand both the procedure to be followed and what will constitute a bill of special interest, so that we don't run into this problem every single time we in the opposition feel a bill is a particular bill dealing with a matter of concern to a segment of the public and one which should have its deliberations recorded.

**Mr. Speaker:** Yes. I'll take the member for Wentworth's comments under advisement. I am not prepared to make a ruling today but I will take it under advisement and I am sure when Mr. Speaker Rowe comes back I'll advise him of the request made and it can be settled at that time.

**Mr. B. Newman:** Mr. Speaker, while you are looking into that, also look into the discussion which took place during that committee as to whether cabinet ministers have the right to vote on committees.

**Mr. Speaker:** I will take that under advisement, too. The member for Algoma.

**Mr. B. Gilbertson (Algoma):** Mr. Speaker, before the orders of the day, I would like to take this opportunity to make a special announcement which I know will be of interest to the members of the Legislature. In the recent beauty contest in Niagara Falls, a young lady by the name of Normande Jacques from the famous riding of Algoma, became Miss Dominion of Canada. I am sure the members would appreciate hearing this and I am very happy about it.

**Mr. Speaker:** Does the member for Algoma have the beauty queen with him?

**Mr. Gilbertson:** Mr. Speaker, I would very much like to have her come here and introduce her to the House.

**Mr. R. G. Eaton (Middlesex South):** Arrange that; have her sit in the gallery.

**Mr. Speaker:** Orders of the day.

#### NOTICE OF MOTION No. 6

**Clerk of the House:** Government notice of motion No. 6 by Hon. Mr. Clement.

**RESOLUTION:** That a humble address be presented as follows to the Honourable the Lieutenant Governor in Council: We, Her Majesty's most dutiful and loyal subjects, the legislative assembly of the Province of Ontario, now assembled, request the appointment of Arthur Edward Martin Maloney, one of Her Majesty's counsel learned in law, as Ombudsman for the Province of Ontario, as provided in section 3 of The Ombudsman Act, 1975, to hold office under the terms and conditions of the said Act.

**Hon. J. T. Clement (Provincial Secretary for Justice):** Mr. Speaker, in moving the appointment of Mr. Arthur Maloney as the first Ombudsman of Ontario, I am mindful of the historic nature of this occasion. Much has

been said about the outstanding qualities and experience which Mr. Maloney will bring to this important position. Perhaps a measure of the esteem in which this gentleman is held is indicated by the readiness with which the Leader of the Opposition (Mr. R. F. Nixon) agreed to join me in supporting this motion. This is to me a most gratifying expression of confidence in both the person and the office of the new Ombudsman and augurs well for its success in the future.

At this time, because of the interest in the work of the Ombudsman both on the part of the hon. members and of the general public, I would like to provide a brief explanation of the steps which are proposed to be taken in the summer months to proceed with the establishment of the office.

Mr. Maloney is quite anxious to begin to provide service to the public as soon as possible and a number of members on all sides of this House have expressed similar views. As was indicated earlier, Mr. Maloney has a number of previous commitments until approximately Sept. 2, when it is proposed he will assume office. Mr. Maloney is doing all he can to conclude these commitments, and in the event that he can complete them before that date he will be ready to assume his new responsibilities immediately.

However, after discussions with Mr. Maloney, it has been agreed that the administrative work, accommodation and preliminary staffing for his office should proceed in any case during the summer months, so that he will be in a position to carry out the full responsibilities of his office as soon as he is able to devote his full time to it. To accomplish this, it is proposed that Mr. Maloney should be appointed immediately by the Lieutenant Governor in Council, on the recommendation of this House, with the understanding that he will not be able to assume his duties until on or before Sept. 2. This, however, would permit Mr. Maloney, under the Act, to delegate an official chosen by him to proceed during the summer months with the administrative details of establishing the office.

In addition to shortening the time necessary until the Ombudsman's office can become fully operational, this arrangement will provide for as full service as possible to the public during this time. During this interim period, it is proposed that Mr. Maloney will not receive his regular salary, but his services will be available in an advisory capacity and he will be reimbursed for such services on a pro-rata basis.

Finally, Mr. Speaker, it is proposed that the oath of office should be administered by the

Lieutenant Governor to the new Ombudsman on or before Sept. 2, in commemoration of this significant and historic event. As a matter of fact, just in summing up, Mr. Speaker, I believe that under the Act the oath of office has to be performed by you and not by the Lieutenant Governor, so I would draw that inadvertent remark on my part to the members of the House.

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, it is an honour to be associated with the humble address moved by the Attorney General this morning. We have debated the Ombudsman bill here for six, seven perhaps eight years, and it's gratifying that it has finally been accepted by the House and proclaimed just a day or two ago. The appointment of the Ombudsman himself, of course, is of special interest because the usefulness and effectiveness of the office depend entirely on the ability of the individual who holds it.

I think one of the reasons why we on this side feel the choice was particularly opportune has to do with the undoubted qualifications of the gentleman in his chosen profession. The fact is, he is accepted not only by his profession, but by the community at large, as an outstanding professional person. Personally, I believe the fact that he has had a political career, even though it was in support of the Progressive Conservative Party, gives him that special measure of acceptability which I want to refer to very briefly. In his role as Ombudsman he is going to have to deal with politicians and those people who have been frustrated by politicians. For that reason I feel he will have a special understanding and sensitivity in this role, which a person who had not been immersed in the political maelstrom, I suppose we might call it, would not understand.

So, rather than sort of overcoming his former political involvements, I, and I believe most other people, would consider it almost a prerequisite which he has very strongly attained in his own right for doing his job in a way which we feel would be of most use to the people of this province, and, of course, as a servant of this Legislature.

**Mr. Speaker:** The member for Wentworth.

**Mr. I. Deans** (Wentworth): Mr. Speaker, we, of course, support the appointment and are happy that it is being made. I have some questions to ask the Attorney General if I may. The member for Riverdale (Mr. Renwick) had intended to ask the questions, but he is in the committee downstairs and that makes it a little awkward.



He had wondered whether, in fact, the oath could be taken while the Legislature was still in session, rather than at some other obscure time in the middle of the summer? It would have made good sense for all of us to be acquainted with Mr. Maloney, for example—particularly those who are not yet acquainted with him—and it would be a benefit, we think, to the Legislature and to the public if the oath could be taken right here. We would like to ask if that might not be arranged, sometime between now and a week or so from now when we finally rise.

Mr. Speaker, you will recall when the debate was being undertaken in the House or was under way in the House the member for Riverdale asked with regard to section 16, which deals with the matter of the assembly making general rules for the guidance of the Ombudsman, how this was to be undertaken. My understanding is that the Attorney General indicated he thought there would be a select committee to deal with that either while the House was sitting or while the House was not sitting.

I would like to know if there is going to be a statement with regard to that before we rise and appointments made by the various parties involved in order that the rules can be set out in order that the Ombudsman, under sub-section 3 of section 16, can then go ahead with the determination of the procedures which he might want followed by his office, subject of course to the Act and to the rules. Could the Attorney General indicate when this is going to happen so that we could begin the processes of preparing for it?

Other than that, we are delighted that the appointment has been made and we would like to see the job under way and the people of the province in the capable hands of Mr. Maloney.

Mr. Speaker: The member for Downsview.

Mr. V. M. Singer (Downsview): Mr. Speaker, can I join with the Attorney General, my leader and the hon. member for Wentworth in expressing my wholehearted support of this resolution?

I wasn't able to participate as fully as I would have liked in the debate on the Ombudsman Act as it went through the House. However, I did make some remarks and in essence I repeat them now. It is a good bill and it is long overdue and the first choice of the government to occupy this important position, I think, is an excellent one. I know Arthur Maloney personally and I have known him for a number of years.

I would think one of the best indicators we have had about his ability has been the recent report that he presented to the Metropolitan Toronto Police Commission insofar as complaint procedures are concerned. We had started on the Solicitor General's estimates, and one of the remarks I put to the minister was his attitude about that report of Arthur Maloney's about changing the procedures for complaints in relation to police work. I don't know if he did answer that or whether it was pursued later on during the course of those estimates, but I think that kind of thing is very important.

The success or failure of this job is going to depend to a very large extent, as I think I did say in the second-reading debate, on the intelligence, ability and sense of fairness that the first occupant brings to the position. For all of the various reasons set out by the Attorney General, by my leader and by many others I think the choice has been an excellent one. We can look forward to a very substantial addition being made to assist the people of Ontario who are concerned about decisions made by civil servants which affect them. These decisions become more complex every day. The ability of the citizen to identify the person who makes decisions affecting him grows less and less. In fact, in most cases he can't identify the civil servant who makes them. This kind of protection is important. Ontario hasn't really rushed into the concept but we have it now, and this resolution that is before the House presently is a good one.

I join with the hon. member for Wentworth in the two suggestions he has made. He echoed, I gather, the feelings of the member for Riverdale. I think it would be a good idea. It is going to be quite an historic event when the first Ombudsman for Ontario is sworn in. I think it would be most important if it took place in this chamber while the Legislature was in session. The committee and the terms of reference certainly have to be set up quite quickly. The sooner the Attorney General gets at it the better.

It is indeed a sincere pleasure that I have, Mr. Speaker, in supporting this resolution.

Hon. Mr. Clement. Mr. Speaker, I am particularly grateful to those members opposite who have supported me in this resolution. Indeed, I think it must be accepted by the people of this province and, in fact, by the Ombudsman himself as a vote of confidence in the individual whose name we have put forward here today in the resolution



under my name and seconded by the member for Brant of the Liberal Party.

I specifically would like to respond to the member for Wentworth, who made certain observations, firstly, that the Ombudsman be sworn in in this House. Under the Act as it is presently drafted, he cannot be sworn in while this House is in session, for the simple reason that immediately he has taken his oath of office he is precluded from undertaking any other activities. He is in the process of winding up his most busy practice of law. So, therefore, it would immediately be a breach of the Act. We've had some involved discussions with Mr. Maloney, who is working most arduously in attempting to clean up those commitments in favour of his various clients.

I think, perhaps, the appropriate situation might be this: When the matter is about to take place, I'm confident, Mr. Speaker, that on or before Sept. 2 you will notify all members of the various parties, all members of this House, to give them an opportunity to be here. I know I would like to be here, and I think most of us would if circumstances permit. I think that's the route that probably will be followed.

With reference to section 16 of the Act dealing with the rules, I think the members can rest assured that they will be hearing from my ministry within the next few days—that is, within the next week—as to how the composition of the committee should be effected. I am still not clear in my own mind, and will have something to say on it later, whether it should be, in fact, a select committee or a standing committee of the House. Those who were present during the debate of the bill will remember the matters which were discussed at that time.

**Mr. Deans:** It can't be a standing committee if the House isn't sitting.

**Hon. Mr. Clement:** No, but the committee may well—we don't know when the House is going to rise; at least I don't know that. It may well be that the committee can be created and undertake its task prior to the House adjourning.

**Mr. Deans:** We can't have another committee sitting.

**Hon. Mr. Clement:** I'm not prepared to debate that. If it requires a select committee then, obviously, that's the route we will have to take. It will have to be a three-party committee and the guidelines will have to be prepared by that committee, I presume, in con-

sultation with Mr. Maloney in order that the office can be undertaken as soon as possible.

**Mr. Speaker:** I thank the members opposite for their observations. They will be hearing from my ministry within a very few days insofar as the committee is concerned.

Resolution concurred in.

**Mr. Speaker:** The address shall be engrossed and presented to the Lieutenant Governor in Council by Mr. Speaker.

**Clerk of the House:** The second order, House in committee of the whole.

### PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT

House in committee on Bill 13, An Act to amend the Public Service Superannuation Act.

**Mr. Chairman:** Any comments on any section of this bill?

On section 1:

**Mr. I. Deans (Wentworth):** Mr. Chairman, last evening I asked that the bill go to committee, because I have some question about the appropriateness of the wording in section 1, subsection 2 (i) (ii), in which it says, "establishes to the satisfaction of the board that he had, for a number of years immediately prior to the death of a contributor" and so on.

I was asking at that time how one might interpret the words "a number of years," and whether there wasn't a more suitable phrase to be used which would not make it subject to the discretion of the board, but would, rather, make it equal for all people. That was, from my point of view, the reason why the bill came to committee. I wonder if the minister might be able to tell us something about it. I know he is eager to, in fact.

**Mr. Chairman:** The hon. minister.

**Hon. J. W. Snow (Minister of Government Services):** Mr. Chairman, I apologize for not being able to answer that question specifically last evening during second reading, but I do have the information available to me now.

In the first sub-subclause, I guess you would say—that's (i) (i)—the reason for specifying the seven years is that in that case we are dealing with a person who is living common law and cannot lawfully be married since he or she has a legal spouse. That is the reason for the seven years, and in this case the lawful widower or widow should not

be disinherited through a very short common-law liaison which happened to precede the death of the contributor.

In subclause (ii) we deal with the common-law widower where there was no legal obstacle to a marriage by virtue of a previous marriage existing at the time of the contributor's death. Here, depending on circumstances, any number of years, interpreted to be more than 12 months, may be sufficient.

Mr. Chairman, the evidence produced to substantiate the claim to common-law relationship to the satisfaction of the board is often very circumstantial evidence, and it is felt that the board should be able to use its discretion and not be tied to a specific period. However, in the absence of a lawful husband or wife, a much shorter period of time than the seven years would usually be accepted.

If, for instance, we put in "three years" specifically in that clause and a very good case was brought forward to the board that happened to be two years and 11 months, it would prevent the board from considering that common-law relationship. That is the reason for the rather open terminology, just referring to "a number of years," that is in that clause. When one considers the explanation I've given, I think the board can very well deal with this type of matter with that discretion.

Mr. Deans: Frankly, in a law of this kind, I would be very reluctant to provide these discretionary powers to an appointed board. If people are entitled to anything then they should be clearly entitled, and the entitlement should be known to them. If they are not entitled, then they should be clearly not entitled. I don't think there should ever be any question about it. If it's the minister's view that a period in excess of 12 months is all that's required, let's put that in. Then an individual who looks at the Act under which the superannuation is payable to the widow or widower or spouse of the deceased can clearly tell whether they are eligible or otherwise. All they have to do is prove to the board that they have met the requirement for that period of time. In a number of years the board would change and the circumstances would change. I just don't believe that is a satisfactory way to write law but that is what we are doing.

Mr. Deans moves that subclause 2 of clause 1 be amended by striking out in the second line "for a number of years" and replacing it with "for a period of time not less than 12 months consecutive."

Mr. Deans: You may want to change the wording but that is what you said to me in your explanation and I think we should make it clear.

Any person who simply looks at the law then will be able to tell, if they have lived in that relationship for that period of time, they're entitled to claim. They have to be given very good and justifiable reason why they are deemed not to be eligible.

I realize the wording is a bit sloppy and frankly I would ask that the clerk or someone at the table clean it up a little for me. I wrote it in haste because I didn't anticipate having to write it.

The period you've chosen—seven years, for example, in clause 1—isn't necessary. Divorces can, of course, be obtained in three and you've chosen an arbitrary figure of seven. It could be three; it could be five; it could be anything; You've chosen seven. I'm not going to quarrel with you but I feel frankly that in subclause 2 "a number of years" is as ambiguous a term as one could possibly determine. It should be either 12 months or more—consecutive months; two years if you want; three years if you desire. I am not going to argue about the number of years, but set a term. Make that term the term and then allow everyone to live under exactly the same law with exactly the same interpretation.

It shouldn't be discretionary, not in a case like this. What you're talking about is the right of an individual to a pension. That's what it is. It is entirely possible they could be deprived because the board thought that two years wasn't enough in that case, for reasons of their personal views; in another case they may think two years would be sufficient because they like the explanation a little better.

That's not how you write law. I would ask, if you think 12 months is satisfactory, make it 12 months. If you think two years, make it two years but don't leave it like that. That's not good enough.

Mr. Chairman: The member for Kitchener.

Mr. J. R. Breithaupt (Kitchener): Mr. Chairman, I was rather interested in the amendment suggested by the member for Wentworth when the matter came up last evening. So far as I can recall, the only seven-year requirement which comes immediately or quickly to mind in the operation of law is one that deals with the presumption of death; where a person has not been heard from for that period. After a seven-year term, on application to the courts one can



obtain a certificate with respect to presumption of death which would probably allow the remarriage of the applicant.

In this case, I am rather attracted to the idea put forward by the member for Wentworth to have the same period of time, whatever that may be, in the two subsections. He mentioned that, as is the case, a three-year term is now the minimum time for a divorce action based upon separation of the parties. I would think that three or perhaps five years, whichever might be considered a reasonable amount of time, should be clearly set out in the Act in both of the subsections so that, whether the persons were unable to marry or chose not to marry and yet carried on a relationship of husband and wife within the terms of that section, the law would be clear and the various rights that are acceptable to us, more so in this day and age than perhaps they were in past years, would be clearly known to both parties.

I would appreciate hearing from the minister, first of all, why the seven-year term is considered to be reasonable in the first item and why this very general number of years term is considered to be satisfactory in the second. I would have thought, as I've said, that both should be the same and that both probably could be effectively attended to when you've decided upon a certain term of a period of three or five years.

**Hon. Mr. Snow:** Mr. Chairman, the reason for the seven years is that before in the previous legislation—the federal legislation—as I understand it, the automatic divorce more or less could be obtained in three years. This matter is under consideration by the board and the Civil Service Commission but it has not been decided to proceed with changing that seven years at this time. This is under consideration. Personally, I think under the other relationship that seven years would be too long. I think in all cases of a common-law relationship such as this there has to be evidence given to the satisfaction of the board that this common-law relationship did exist.

I'm concerned about trying to define when the relationship started or whether it was totally continuous or not, regardless of whether you put a term in here of, say, three years. If, just off the top of my head at this moment I were going to consider a term, I think probably I would like to see two or three years. There is still such a lot of subjective judgement or whatever you may wish on behalf of the board in accepting the evidence as to the existence of the re-

lationship that there is no way of making it straight black and white down the centre line the way the hon. member for Wentworth has suggested.

**Mr. Breithaupt:** Maybe, Mr. Chairman, the matter could be resolved quite easily if simply the words "for a number of years" are removed, so that the subsection would begin "establishes to the satisfaction of the board that he had immediately prior to the death" etc. It may be, since it's going to be dependent upon the satisfaction of the board anyway, that there is no point in having in this phrase "for a number of years."

**Mr. Deans:** I don't object.

**Mr. Breithaupt:** I think it is satisfactory.

**Hon. Mr. Snow:** Mr. Chairman, I have no real objection to that type of amendment. We would also have to prepare and introduce another amendment to section 1, subsection 1 (h) (ii) in the original Act where on page 1 of the Act, if you have it handy, the same wording exists. It reads, "establishing to the satisfaction of the board that she had for a number of years immediately prior to the death" and so on. "A number of years" is in the existing Act now and that's why—

**Mr. Breithaupt:** If the minister would accept bringing in that suggested amendment now and tying it together with this, perhaps we would be making a more reasonable approach by simply striking out those five words in the two locations in which they exist.

**Hon. Mr. Snow:** Yes, I am prepared to do that. It may take me a moment to get the proper wording prepared.

**Mr. Chairman:** The member for Wentworth.

**Mr. Deans:** I have qualms. In order to make this easier, I am quite prepared to accept this; it is satisfactory to me. I just don't want to see the term "for a number of years" in there, because I don't want anybody arguing about it. I was quite content, as you know, that the individual should establish to the satisfaction of the board that they had lived together immediately prior to the death. All I was trying to do was to establish something more definite with regard to the period.

**Mr. Breithaupt:** It doesn't solve your problem.

**Mr. Deans:** It doesn't really resolve the problem; "immediately" then becomes the



key word, rather than the "number of years." It's not exactly what I had in mind, but if you are satisfied—that is, if an individual is able to satisfy the board that they had lived together immediately prior to the death of the contributor in the way in which it is set out in the bill—then I am satisfied too.

I am a bit worried about the word "immediately" now. How do we interpret that? Does "immediately prior" mean two or three weeks or two or three months? I don't know. Let's read it for the moment. Section 1(1)(ii) says:

Establishes to the satisfaction of the board that he had, immediately prior to the death of a contributor with whom he had been residing, been maintained and publicly represented by the contributor as her husband, and that at the time of the death of the contributor, neither he nor the contributor was married to any other person.

Could somebody give me the legal definition of the word "immediately"? Now you have got it, it doesn't take a year. What you are saying is that as long as it was thought by others living around that the individual was being represented as the husband of—let me put it this way, if he received mail and that mail—well, in the case of a husband it doesn't really count; as I say, in the case of a wife it is clearer, because if it was addressed to a Mrs. then obviously it could be easily interpreted. How would you go about proving such a thing, that "immediately prior" you had been represented as a husband? How do you do that? How would it be done legally?

**Hon. Mr. Snow:** My understanding would be that they would have to satisfy the board that it was immediately prior. If you did not have the word "immediately," to my way of thinking a contributor could have had one or more common-law relationships over a period of years or a contributor could have had a common-law relationship 10 or 20 years ago that would then be meaningless in the current context. I don't see any way you are going to put everything in black and white in this type of a matter without giving some discretion to the board.

**Mr. Deans:** I think that this should be for a 12-month period. I am back to where I started. I frankly think it should be for the 12 consecutive months immediately prior to the death. I don't think that "immediately" is good enough. I don't think just simply striking out "a number of years" does the job. I think that we would all agree that the

relationship should have been of some duration. You would agree with me on that.

**Hon. Mr. Snow:** We are not talking about one-night stands.

**Mr. Deans:** But provided he can prove that he was represented publicly as the husband immediately prior—what I am suggesting to you is this, why don't we say that it is for a 12-month period, the 12 consecutive months prior to the death? Then it is clear. I think it is a reasonable period of time and establishes, in this day and age, a lasting relationship; it might not have 10 years ago. But why don't you do it that way instead of getting hung up? I don't see how you can interpret it properly and adequately if you don't have some period of time. It seemed to me that 12 months is an adequate period of time in which to establish a relationship if we are going to do this.

**Hon. Mr. Snow:** My advisers have advised me that in interpreting the Act in the past they work from the date of death. "Immediately" means right up to the date of death and they get this evidence from friends, relatives or whoever may be able to give it.

After considering this, I am certainly not worried at all about the way it is written. I am concerned about taking the number of years or any period of time out because I am really concerned about someone coming up with substantial evidence that someone had been represented as a wife for a week or two weeks or something, which I don't think is the intent of the legislation.

**Mr. Deans:** I agree with you, but "a number of years" doesn't solve that.

**Hon. Mr. Snow:** I agree that "a number of years" leaves the discretion. I am not prepared to take "a number of years" out and not to have any time limit. Mr. Chairman, I am prepared to accept or to make an amendment reducing it to a minimum of 12 months consecutive, immediately prior to the death of the contributor.

**Mr. Deans:** Thank you very much, I appreciate that.

**Mr. L. C. Henderson (Lambton):** True Tory.

**Mr. Chairman:** May I have something in writing to that effect?

**Mr. Deans:** That's what I have given you, actually; you may not be able to read it. I have scribbled what I said.

**Hon. Mr. Snow:** Mr. Chairman, if I may. On that amendment, we will get you the proper wording for it if the hon. member for Wentworth will agree.

**Mr. Deans:** I am quite content to have it reworded.

**Hon. Mr. Snow:** The amendment will have to apply to both this clause in the amending Act as well as a corresponding clause in the main Act. If the hon. member will agree to have this time limit put in both those clauses we will get the proper wording of the amendment.

**Mr. Deans:** I agree without any question. I knew the wording wasn't very tidy.

**Mr. Chairman:** I think the committee understands the principle of Mr. Deans' amendment, now accepted by the minister on the proviso that it will be given the proper wording.

**Mr. Deans:** That's right.

**Hon. Mr. Snow** moves that the amendment as proposed by the hon. member for Wentworth pertain to clause (h) (ii) as well.

Motion agreed to.

Section 1, as amended, agreed to.

**Mr. Chairman:** Anything else on this bill? Shall the bill be reported?

Sections 2 to 19, inclusive, agreed to.

Bill 103, as amended, reported.

**Hon. Mr. Winkler** moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole begs to report one bill with certain amendments and asks for leave to sit again.

Report agreed to.

## STOCK YARDS AMENDMENT ACT

**Mr. Eaton**, on behalf of **Hon. Mr. Stewart**, moves second reading of Bill 115, An Act to amend the Stock Yards Act.

**Mr. Speaker:** The member for Huron.

**Mr. J. Riddell (Huron):** Mr. Speaker, I really see no objections to this bill, but there are a few things I would like clarified. At the present time, the surplus moneys of the On-

tario Stock Yards Board are deposited in the consolidated revenue fund and constitute a fund known as the livestock improvement fund, and now the surplus moneys are to be deposited into the consolidated revenue fund and shall constitute a fund to be known as the Ontario Stock Yards Board reserve fund.

My question is: What has the money that has been deposited in the livestock improvement fund as it existed under the original Act been used for, and how is the use of that money going to differ from the use of the money which will be deposited into the reserve fund? I note here that the interest from this fund will be used by the board for the operation of its undertakings, and the principal of the fund may be used from time to time by the board for any purpose approved by the Lieutenant Governor in Council upon the recommendation of the board and the minister.

In other words, what does the parliamentary assistant anticipate such funds will be used for? And if there happens to be a surplus in any one particular year that exceeds the \$500,000, what is to become of that money? Is it to be turned into the consolidated revenue fund to be used for purposes other than for the operation of the stockyards, or will it be laid aside and perhaps used another year if the surplus is not just quite as great and does not come up to the \$500,000 level?

These are the only comments that I wish to make at the present time. I just ask for a little clarification on what the money is going to be used for now, and what it was used for when it was deposited in the consolidated revenue fund and constituted a fund known as the livestock improvement fund?

**Mr. Speaker:** Does any other member wish to take part in this debate? The parliamentary assistant.

**Mr. R. G. Eaton (Middlesex South):** Mr. Speaker, just to clarify some of the points that the member for Huron raised, first of all, there have been no funds accumulated in the past, so there haven't been any funds to be used.

The use of the money will differ to some extent, in that it was designated there for the livestock improvement fund and I suppose could have been used in many different ways outside the use directly for the stockyards. Under this, it will be used for purpose of the stockyards—the member mentioned two or three things—and it could be used for improvements there.

If the surplus fund should exceed \$500,000 then it must be used to reduce the fees at the yard so that the fund doesn't in fact, accumulate over \$500,000. I guess that pretty well covers the points that were raised.

Motion agreed to; second reading of the bill.

**Mr. Speaker.** Shall the bill be ordered for third reading?

### THIRD READING

The following bill was given third reading upon motion:

Bill 115, an Act to amend the Stock Yards Act.

### ONTARIO AGRICULTURAL MUSEUM ACT

**Mr. Eaton**, on behalf of **Hon. Mr. Stewart**, moves second reading of Bill 116, the Ontario Agricultural Museum Act, 1975.

**Mr. Speaker:** The member for Essex-Kent.

**Mr. R. F. Ruston** (Essex-Kent): **Mr. Speaker**, briefly on this bill, in some ways it's a housekeeping bill. I was just noticing in one of the sections where it says "the minister is responsible for the administration of this Act," which I suppose was left out before by some errors. But the Ontario Agricultural Museum Advisory Board is continued. I noticed in another section of the Act that the word "persons" in the public service was changed to "members" in the public service. I suppose that's a technicality—not being a lawyer—but they probably found over a period of years that maybe that should be changed.

There are one or two new other items in it. One I was noticing, **Mr. Speaker**—it was in the old Act as well—and I don't propose an amendment on it. But I just want to mention the fact. It is section 4, subsection 2:

The board shall consist of not fewer than five and not more than 11 members appointed by the Lieutenant Governor in Council, of whom at least two shall be members of the public service of Ontario.

I feel that no member of the Legislature should be a member of the board. This has been brought up a number of times previously by my leader (**Mr. R. F. Nixon**), and the member for Downsview (**Mr. Singer**), and I have a feeling myself that members of the Legislature should not be on the board.

I was wondering about subsection 4 of section 4, which says:

Members of the board, other than full-time members of the public service of Ontario, shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

This is new. I wonder if the parliamentary assistant could tell us what remuneration the previous board was receiving, if any.

On subsection 5, regarding term of appointment it says:

A member of the board may be appointed for a term not exceeding three years, but may be reappointed for one or more further terms.

That's the same as in the present Act, but I feel myself is that here should be a limitation of perhaps nine years in serving on a board such as this. I look at it in other areas, co-operatives and credit unions and so forth, where you can have your three-year appointment—three years in a row—and then after that you must go off the board for at least a year to be eligible to be re-elected or re-appointed, as the case may be.

I think this is a good thing. It may mean sometimes that a person doesn't necessarily want to get off, but by the time the nine years are up, he's willing to say: "Thank you very much, I've enjoyed the nine years. I think I'll let somebody else do it now." And he can gracefully bow out, and it gives an opportunity for someone else to come in to take over.

**Mr. L. C. Henderson** (Lambton): That's what the people of Essex-Kent are saying about their member in the Legislature.

**Mr. Ruston:** We're talking about appointments here. There is a little difference.

**Mr. J. R. Breithaupt** (Kitchener): After three elections he may agree.

**Mr. Ruston:** Yes, there is a little difference. When people go to the ballot, that is a little different, and I am sure the member for Lambton is aware of that, being one of the politicians who has been around for a while.

I think that has some good points to it. On the nine-year limitation someone will say, of course, that one of the board members is doing a very good job and shouldn't have to get off. However, I am sure there are other people who would be able to do as good a job if they were given the opportunity. It spreads it around and gives more people an opportunity. It brings new blood into it, too, new ideas. I think it has some merits which the



parliamentary assistant might consider in the future.

I notice in section 13 that the accounts and financial transactions of the museum shall be audited annually by the Provincial Auditor and, of course, this is new. We are happy to see this because, dealing with public accounts as a member of the public accounts committee, I find we have these boards and commissions—there are so many in the province. I sometimes wonder if the Premier (Mr. Davis) has some kind of a computer which keeps track of all the names of people eligible to be appointed to boards and commissions. Maybe he punches a little button some place and, if it has to do with agriculture, he must have a list of people in the computer who would be eligible to be appointed to a board which has to do with agriculture; or with education.

**Mr. W. Ferrier** (Cochrane South): They just have to be members of the Tory party, don't they?

**Mr. Ruston:** He must have quite a computer system set up of names of those who are eligible to be appointed to some of these boards.

**Mr. Henderson:** It is getting longer; more and more of them.

**Mr. Speaker:** Order, please.

**Mr. Ruston:** It is strange when I mention that I get a little rumble from the back rows across the way. It is nice to know they are listening anyway. It is kind of strange where all these appointments come from. I wonder if there are that many Conservatives around the province—I don't think there are that many right now but there have been.

Anyway, that's beside the point, Mr. Speaker. I do wonder at all these appointments, how many boards and commissions we have, and the appointments made.

I think that is all I have with regard to this bill.

**Mr. Speaker:** The member for Wentworth.

**Mr. Breithaupt:** Has he got his overalls on?

**Mr. I. Deans** (Wentworth): I have my overalls on, speaking on behalf of all of the farmers in my riding. I would like to ask something about the reporting procedures—I don't imagine we are going into committee, are we?

**Mr. Eaton:** We can if the member wants.

**Mr. Deans:** No, I don't want to. Let me deal with it this way then. As far as the bill itself is concerned, it is fine but I want to get some clarification on section 12.

In the new section, it says, "The chief executive officer of the museum shall make such reports to the minister as the minister from time to time may require." I would have thought that report would automatically have become part of the annual report of the minister to the Legislature. The minister would be reporting on the matters of the museum board and the chief executive officer's report to the minister would automatically become part of the annual report. The Legislature would be informed as to matters which have been raised during the course of the year and the requirement on the chief executive officer would be an annual requirement rather than from time to time.

I would like to ask the parliamentary assistant if he wouldn't consider making it that way so that section 12 would read, that the minister shall make a report annually upon the affairs of the museum and shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session; if not, at the next ensuing session. And 2, the chief executive officer of the museum shall make an annual report to the minister or shall report from time to time as the minister may require and such reports shall be contained within the next year's annual report.

The reason I am saying it is because while we certainly enjoy getting reports from the minister, we would enjoy a lot more getting reports from the person who is responsible. That happens, in this case, to be the chief executive officer. I would like to make sure the requirement on the chief executive officer to report would be an annual requirement and that we would also have access to it. Since we have to suffer through the reports themselves, we should at least get some of the meat and some of the actual feelings of what is going on within the operation. Would the parliamentary assistant not then consider making the chief executive officer's report an annual one to the minister, or as the minister may require from time to time, which is in addition to the annual report, and that such report shall be contained in and be part of the annual report of the minister to the Legislature?

**Mr. Speaker:** Does any other member wish to take part? The member for Huron.

**Mr. Riddell:** Mr. Speaker, in connection with this advisory board I am wondering how

many are on the board at the present time and who are the members of the board. I wonder if the parliamentary assistant could provide us with the names. I would also be interested in knowing what these members are being paid.

Then in connection with explanatory note No. 2 provision is made for the appointment of a chief executive officer of the museum and his staff. Do I assume that there is not a chief executive officer appointed at the present time? If there is one appointed, I would be interested in knowing who he is and what he is being paid. If there is not a chief executive officer at the present time, I would assume the parliamentary assistant wouldn't know at this time who he might be, but I would be interested in knowing what salary the chief executive officer will be paid.

I think that is the only comment I wish to make at this time.

**Mr. Speaker:** Does any other member wish to enter this debate? The parliamentary assistant.

**Mr. Eaton:** I want to make a few comments on the points that the members have raised. First of all, the member for Essex-Kent inquired as to the payment of the previous board and what their remuneration was. The previous board was paid under the guidelines laid down by Management Board. The fees were \$110 per diem for the chairman while the members of the board were paid at the rate of \$85 per day. Mileage rates are paid to them at the rate that is prescribed under the government regulations.

In regard to the three-year terms he referred to and the limiting of them to nine, as he says, there may well be someone on there that we wish to keep beyond nine years. Certainly we will take the points that he made into consideration in reappointing people as those terms come up. I am sure that I can assure him that there are lots of good Conservatives around with great talent who we can continue to appoint to the board, but we do stray from that and we do appoint some others who are equally qualified.

In regard to the member for Wentworth's point on the annual report to the minister, it was put in there so that the minister can report or ask for reports at other times and can get reports in between. It's much like any branch of our ministry in that they report to the minister. In the beginning of it, as it is pointed out there, the minister is the person responsible for the administration of the Act and not particularly the chief executive officer, as was indicated. The report will

form part of the report of the minister at the time he reports on the ministry each year. I really can't see the necessity of having the chief executive officer print one specific annual report each year to be distributed for that specific project within the ministry; otherwise one could carry that through to each branch of our ministry and to each operation carried on by the ministry.

**Mr. Deans:** This is a different matter altogether; this isn't like a branch of the ministry.

**Mr. Eaton:** The way it is structured and the way it is set up within the ministry it is. I can look at other facilities that we operate within the ministry—the agricultural colleges and these sort of things; they don't give annual reports that are tabled here in the House. They come in as part of the total report of the ministry.

**Mr. Deans:** Yes, but they must report annually.

**Mr. Eaton:** Oh yes, to the minister, but not to the Legislature.

**Mr. Deans:** There is no requirement in law for this group to report annually. There is such a requirement on the minister.

**Mr. Eaton:** The minister must make an annual report on it, so he has to get that information from the museum board and from the chief executive officer of the museum. He certainly won't just be doing that annually; it will be a continuing contact and I would hope for a number of reports during the year on the activities of the museum.

**Mr. Deans:** Well may I ask—I realize I am out of order but—

**Mr. Speaker:** I think we should go to committee of the whole House.

**Mr. Deans:** Let's go to committee now and I can talk all I want to.

**Mr. Eaton:** Okay. Before we do that, I will make some comments on the points that the member for Huron raised. He raised the question as to the number of members on the board. There are eight at the present time. I have the list of names of the members. The chairman is David Pallette. William Amos is on it; Carm Hamilton, Mrs. Saunders, Mrs. Charlton, R. F. Cooper, Gordon Smith—

**Mr. Ferrier:** Is that Gordon Smith, MPP?

**Mr. Eaton:** Yes, Gordon Smith, MPP.

**Mr. Riddell:** He is a member?



**Mr. Eaton:** Yes. And William Shillinglaw, I think the writing says. I mentioned to the member for Huron that the remuneration was \$110 for the chairman and \$85 for the members. In the previous setup there was a manager and the manager was Bob Carbert. Bob will be the chief executive officer, and his current salary is \$20,235 a year. I believe that covers all the points that the member for Huron raised. If members wish to proceed to committee I am agreeable.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

**Mr. Deans:** No.

**Mr. Ferrier:** Committee.

**Mr. Speaker:** Committee of the whole House.

**Clerk of the House:** Order for committee of the whole House.

#### ONTARIO AGRICULTURAL MUSEUM ACT

House in committee on Bill 116, the Ontario Agricultural Museum Act.

**Mr. I. Deans (Wentworth):** Thank you. This should be brief; I just didn't want to get it passed without discussing it for a moment.

**Mr. Chairman:** Could I ask the hon. member what section he is on?

**Mr. Deans:** Section 12.

**Mr. Chairman:** Could I ask, first, are there any comments before section 12? The hon. member for Wentworth.

Sections 1 to 11, inclusive, agreed to.

On section 12:

**Mr. Deans:** Thank you very much, Mr. Chairman. All I am really suggesting is that it doesn't weaken the section at all; it strengthens it. But it seemed to me that since this is, in fact, not like a branch but is, rather, a separate group set up under an Act of its own, it should be clear that the chief executive officer has an obligation to prepare an annual report. It should be stated in the Act that the chief executive officer should be obliged by law to prepare an annual report and that he or she should then be required, in addition to make such

reports to the minister as the minister from time to time may require.

For example, I don't want there to be a time when someone is able to say: "Wait a minute, they don't have to report annually. All they have to do is report when the minister asks for it." Some minister, at some point, inadvertently or because of the pressure or whatever, might not ask.

Since the minister has an obligation to prepare an annual report, it would seem to me that the chief executive officer should have a similar obligation; in addition, he should have an obligation to report to the minister from time to time as the minister may require. That was all I was about. It's not weakening it at all. I thought it was strengthening it a little.

**Mr. R. G. Eaton (Middlesex South):** You're not suggesting that the report come here but that there be an annual report to the ministry?

**Mr. Deans:** The reason I raised it is because I had hoped that the annual report of the chief executive officer would form part of the report of the minister to the Legislature. That's where I started out, that the annual report of the chief executive officer would form part of the report to the minister.

The minister may want to report on other matters other than those things contained within the annual report and likely he would want to report on other matters. I'm just interested in making sure that there is an annual report, that that annual report is part of the annual report of the minister and that, in addition to whatever other information the minister requires in order to carry out his functions as the Minister of Agriculture and Food, he can require the chief executive officer of the museum to report as he wishes from time to time.

**Mr. Chairman:** Would the member define the actual wording? I think there would only be two or three words involved.

**Mr. Deans:** Yes, I would have thought it might have read as follows: "12(2): The chief executive officer of the museum shall make an annual report and, in addition, shall make such reports to the minister as the minister from time to time may require."

**Mr. Chairman:** Are there any other speakers on this section?

**Mr. R. F. Ruston (Essex-Kent):** That is interesting, Mr. Chairman, although under section 13 the auditor had to make a report annually.



The other thing I'm concerned about is the chief executive officer and his powers. Does the board have the power to operate the museum or does the ministry? This actually ties in with section 6(2), which I know we have passed but which says: "The chief executive officer shall have the management and administration of the museum, subject to the supervision and direction of the minister." Maybe the parliamentary assistant might be able to clear that up.

I have no objection to what the member for Wentworth is suggesting, that there should be an annual report, but I would think that when the auditor has to make an annual audit of the books, we would have an annual report automatically.

**Mr. Deans:** The auditor only deals with financial things.

**Mr. Chairman:** Are there any other inquiries?

**Mr. Deans:** I'm just curious. I want to know why the parliamentary assistant is not going to accept it; I want to know why he wouldn't accept it in the first place.

**Mr. Chairman:** Does the parliamentary assistant wish to respond?

**Mr. Eaton:** I'm not sure that I'm not going to accept it. I'm just checking with our legal people on the possible wording.

**Mr. Deans:** I'm happy to have other wording. I just want to be sure that there is an obligation, that's all. I think it's part of our job to make sure that bodies that we establish by law are obliged by law to report annually.

**Mr. Eaton:** Right. Excuse me, while I confer for a minute.

**Mr. Deans:** Yes, sure, by all means.

**Mr. Eaton:** I am prepared to accept an amendment with the wording after the word "shall" so that section 12(2) will read:

The chief executive officer of the museum shall make a report annually and make such reports to the minister as the minister from time to time may require.

**Mr. Deans:** Thank you. I would be delighted to move such an amendment.

**Mr. Chairman:** I think the parliamentary assistant has made the motion.

**Mr. Deans:** I think I already did. It's no different from what I asked, so it doesn't really matter.

**Mr. Chairman:** Shall section 12 as amended carry?

**Mr. Deans:** I think you have to have it in writing somewhere, don't you?

**Mr. Chairman:** Could the parliamentary assistant supply the amendment in writing?

**Mr. Eaton:** I am sorry. I didn't get the complete context of what the member for Essex-Kent was saying; on which section it was.

**Mr. Ruston:** Mr. Chairman, I was asking about the powers of the chief executive officer. Actually it comes in sections 2 and also 12, where he is under the supervision of the minister. I was wondering what power the board has in this case?

**Mr. Eaton:** To the member for Essex-Kent, through you, Mr. Chairman, the board is an advisory board. It really doesn't have powers. The chief executive officer has power through the minister, the same as any other operating branch of the ministry.

**Mr. Chairman:** We now have the amendment from the parliamentary assistant.

Mr. Eaton moves that subsection 2 of section 12 be amended to read:

The chief executive officer of the museum shall make a report annually and such report to the minister as the minister from time to time may require.

Motion agreed to.

Sections 12 to 14, as amended, agreed to.

On section 15:

**Mr. Chairman:** The member for Huron.

**Mr. J. Riddell (Huron):** Section 15 says "The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature."

As elected representatives we like to think we are spending the taxpayers' dollar wisely. I'm wondering what kind of a drawing card does this museum have and does it have its own source of revenue? In other words, is there a charge to get into the museum? Are there ever donations made to the museum? Or does it rely solely on the moneys appropriated by the Ontario Legislature?

**Mr. Eaton:** Of course it isn't open yet so there are no charges yet. But the Act allows the fees for entry to be fixed. There are donations made in the way of material goods to the museum and any funds which can be

raised from the entrance fee will be used toward it.

We've had to purchase some of the items in the museum. Sometimes we've had to purchase collections to get an item we wanted; there may be two or three other items in the collection and those can be sold under the terms of the Act and moneys returned through that method. Otherwise it will be from funds which, of course, will appear in the estimates of the ministry.

**Mr. Riddell:** When is the museum scheduled to be opened? Have you any idea?

**Mr. Eaton:** I can't give you a firm date on that. Things are proceeding quite well. They are on schedule out there and hopefully it might be this year.

**Mr. W. Ferrier (Cochrane South):** During the election?

Sections 15 to 18 inclusive agreed to.

Bill 116, as amended, reported.

Hon. Mr. MacBeth moves the committee rise and report.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House reports one bill with a certain amendment and begs leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 116, the Ontario Agricultural Museum Act, 1975.

### PREGNANT MARE URINE FARMS AMENDMENT ACT

Mr. Eaton, on behalf of Hon. Mr. Stewart, moves second reading of Bill 104, an Act to amend the Pregnant Mare Urine Farms Act.

**Mr. Speaker:** The member for Huron.

**Mr. J. Riddell (Huron):** It would appear that this is strictly a housekeeping bill, and I'm sorry that I didn't have a chance to look at the—

**Mr. J. E. Stokes (Thunder Bay):** Is that the member for Huron?

**Mr. Riddell:** Right. Unfortunately, the member for Huron-Bruce (Mr. Gaunt) cannot be with us today to debate these bills as he does have an illness; I know he would like to be here. I didn't know that he wouldn't be here and I didn't have a chance to look at the original bill, but in the explanatory notes it indicates the subsection being repealed provides that no member of the Pregnant Mare Urine Licence Review Board shall hold office for more than five consecutive years. Does that mean that the subsection now provides this, or that the amended section provides that no member of the Pregnant Mare Urine Licence Review Board shall hold office for more than five consecutive years?

If that is the case, what is the situation at the present time? How long can they hold office?

**Hon. A. K. Meen (Minister of Revenue):** It is now five years. This bill changes that.

**Mr. Riddell:** Well then, what is the change?

**Hon. Mr. Meen:** There's no limit.

**Mr. Riddell:** There is no limit now. They can hold office indefinitely?

**Hon. Mr. Meen:** Does the member want me to answer?

**Mr. Riddell:** Well, why in the previous bill does it stipulate that an advisory board member can only hold office for three years—and then be re-appointed—and now we are saying that a board member in this particular instance can hold office for an indefinite period of time? There doesn't seem to be any consistency here. Is it a case of new blood not adding something to this particular board?

**Mr. Chairman:** Does any other member wish to take part in this debate?

**Mr. I. Deans (Wentworth):** It may surprise the minister to know what I have to say.

**Hon. Mr. Meen:** That he doesn't know a damn thing about it.

**Mr. Chairman:** The member for Wentworth.

**Mr. Deans:** And what I have to say to the minister is this, that I can't for the life of me find anything in here that I could amend. And so, therefore, we approve.

**Hon. Mr. Meen:** Would he please give that line to the member for Ottawa Centre?

**Mr. Speaker:** The hon. parliamentary assistant.

**Mr. R. G. Eaton** (Middlesex South): In response to the questions raised by the member for Huron, the limit in there was five years. That is what is being taken out, so it is now at the discretion of the Lieutenant Governor in Council. The reason is that some of the people on the board have now served their five years. As one can well recognize by the Act, there are a limited number of people who have much knowledge or experience in this area, and it is to enable some of those people to carry on.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 104, an Act to amend the Pregnant Mare Urine Farms Act, 1975.

### DRAINAGE ACT

**Mr. Eaton**, on behalf of Hon. Mr. Stewart, moves second reading of Bill 130, the Drainage Act, 1975.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Speaker, I have a question to ask, particularly based upon the reports received in the document background presented by the Ministry of Treasury, Economics and Intergovernmental Affairs. In the issue No. 7514 of July 2, there are comments from the hon. Treasurer (Mr. McKeough) with respect to the following point:

The amendments to the Drainage Act will be introduced this session and allowed to sit over the summer so that municipal elected representatives and appointed officials will have the opportunity to study the legislation.

I'm wondering as a result of that apparent comment of the Treasurer whether it is really the intention to call this order at this time or to have this bill stand over. Of course, there may be some other decisions which had been made but it would appear that this is a rather substantial piece of legislation that has been introduced after lengthy deliberations by the select committee.

**Mr. Stokes:** They wanted to deliberate another year.

**Mr. Breithaupt:** I don't know that the deliberations have to continue another year but it certainly would appear prudent, where this bill has just been introduced in the last week, to allow those areas of the province particularly affected and interested in this new kind of legislative approach to have some time to review the legislation.

I see the member for Lambton (Mr. Henderson) who was chairman of the committee is in the House. I don't know what the intention was, whether it was to proceed at this time or not, or whether the bill was then going to go to standing committee or what it might be. But if that was the comment of the Treasurer, perhaps some thought could be given as to just how we are to handle this bill so that the outside encouragement of municipal elected and appointed officials will be allowed to take place.

**Mr. Speaker**, on several occasions we have seen bills introduced and, as a result of comments which could make for a better bill, amendments were then received when we went into committee of the whole House or to standing committee. This is surely a better way of making legislation than bringing in a bill now which might indeed be improved upon after there are certain positive comments received by the ministry. Perhaps we could hear the intention of the parliamentary assistant just so that we know which of these paths is going to be followed.

**Mr. Speaker:** Before we do that, we will have any other comments. The member for Cochrane South.

**Mr. W. Ferrier** (Cochrane South): I would like to speak on the same point of order. I have the same piece of material from TEIGA before me. If we go ahead with second reading, I would like to have some kind of a commitment that there will be provision for committee work and that this bill will proceed through all the stages before we rise for the summer. Otherwise, I don't see much to be gained by going through a second reading debate and then letting it sit on the order paper when the likelihood of an election coming in the fall will mean that no further action will be taken.

If we do go to second reading I hope there will be provision for the municipal people to appear before a standing committee to air their opinions on the bill or else the bill should be stood over and introduced at another session.



**Mr. Speaker:** I am going to suggest we confine our remarks to this particular point. The member for Lambton.

**Mr. L. C. Henderson (Lambton):** Thank you, Mr. Speaker and members of the legislative assembly. I might say since the report was tabled in the Legislature a little over a year ago, I have had the opportunity of speaking to the Association of Rural Municipalities of Ontario. I've had an opportunity of speaking to the Ontario Municipal Association. I also spoke to the municipal people in that area of Ontario where the majority of the drainage is—in southwestern Ontario, my home area. I've spoken to the Contractors Association of Ontario, the Association of Professional Engineers of Ontario. Although I haven't spoken to the actual Ontario Federation of Agriculture, I have had input from them to me as the former chairman of the committee. All of these people were very anxious that the bill be brought into the House and that the legislation be enacted as quickly as possible.

Mr. Speaker, I want to speak to the bill following whatever the parliamentary assistant says, because I do have some other comments that I want to make on second reading. I'll just leave it that all of these people and all of the associations that are involved with it have asked for speedy passage of this. The Ontario Municipal Association appointed Mr. Ralph Gagner, the clerk of Dover township in Kent county and Mr. Donald Williams, the president of the Association of Rural Municipalities of Ontario. I might say Don is a reeve in one of the townships in my constituency. I met with these two men last Tuesday morning. I spent Tuesday morning with them. We went over the bill clause by clause and they are very happy with the bill, but I wouldn't guarantee you, Mr. Speaker, that they don't want some minor amendments. I would leave it like that.

**Mr. Deans:** If I may, Mr. Speaker, speaking to the point raised by the member for Kitchener, corroborated by my colleague from Cochrane South, it's not a matter of whether some people are happy to go ahead or not. It's a matter of a commitment made by the Treasurer of the province just seven days before the bill was introduced. On June 20 at the Provincial-Municipal Liaison Committee in response to questions stated, as the member for Kitchener has accurately put on the record, that the amendments to the Drainage Act would be introduced this session and allowed to sit over the summer so that elected municipal representatives and

appointed officials will have the opportunity to study the legislation. It was introduced, as he said it would be, on June 27.

I think it fair and that we have an obligation at this point to ask that it not be proceeded with further until the parliamentary assistant has an opportunity to discuss the matter with the Treasurer. If the Treasurer and the parliamentary assistant sort out the obvious difference of opinion, then we could proceed on Monday. We are not going to get much done between now and 1 o'clock anyway. I think that it would be good common sense that we not go back on a commitment made by the Treasurer without the Treasurer first having been informed that the parliamentary assistant, acting on behalf of the Minister of Agriculture and Food, desired to proceed.

**Mr. Speaker:** The parliamentary assistant.

**Mr. Eaton:** Just to comment on the items that have been raised by the members in this regard, I wasn't aware of that printed statement going out from the Treasurer and I certainly will be consulting with him in that regard. It was our intention to go ahead with the bill and to have some consultation with some of the people involved. In fact, I have arranged one meeting for next week.

However, I don't see a great need for letting it sit over the whole summer—

**Mr. Deans:** Talk to the Treasurer about that.

**Mr. Eaton:** —because, as members well know, the drainage committee travelled this province and met with all these people. The recommendations that are being brought forth in the bill are the recommendations that were put forth by many of these people. These are the recommendations we are acting on. It has been some period of time since this Act has been reviewed. We've had quite a number of urgings to get on with this legislation and to get it in place so that it can be made use of.

**Mr. Stokes:** It would be a good idea if the parliamentary assistant told the Treasurer that.

**Mr. Eaton:** We have had, as the member for Lambton mentioned, some consultation in the last while with some of these organizations that are involved—

**Mr. T. P. Reid (Rainy River):** Not all of them.

**Mr. Eaton:**—including the Federation of Agriculture. The member for Lambton didn't say he had contact with them but I have had contact with them.

**Mr. Reid:** Did he contact them the way he talked to the Clerk on another matter?

**Mr. Eaton:** I feel we should be proceeding at this time with second reading of the bill. We will be going to committee of the whole House and we will be bringing in some amendments ourselves in regard to the bill. If we get through second reading at this point, we will be able to meet and discuss with these people next week and continue to work on the legislation and put it through if we can work out the problem, with the Treasurer, of making a commitment. I think he can consult with these people and clear that fact.

**Mr. Deans:** Could we do it Monday rather than today?

**Mr. Breithaupt:** Mr. Speaker, I realize it is irregular but might I make a suggestion? We are not suggesting the bill be put over for the summer because, of course, that had nothing to do with any comments made on this side of the House.

I would suggest it might be prudent, in order to resolve any problem, that this order be put over until Monday to continue with second reading, if the member wishes to do so, after he has perhaps had the opportunity of discussing it with the Treasurer so that everyone knows what the situation is. It may well be that on Monday, it being the wish of the House, the decision will be made to proceed with second reading. Of course, it is up to the government to make that decision but I think it would be helpful if it were put over until Monday so that any possible embarrassment could be avoided.

**Mr. Stokes:** Since the Tories have talked to everybody else it will give them a chance to talk to one another.

**Mr. Eaton:** He is aware of the fact that we are proceeding with second reading of it. We have discussed this with the House leader and so on as far as proceeding with second reading and then going to committee is concerned. We can make a decision then whether we let it sit or continue in committee.

He is aware that we are proceeding with second reading of it and I would like to see it continue now. We have a half an hour and we can get the comments of at least one

speaker on the bill. Some of the people who were involved in the committee wish to make comments on it and we would like to get those comments now.

**Mr. Speaker:** We have the motion for second reading. The member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, this is quite an important bill. I was following the discussion in the last few minutes and I was concerned as well.

Only last week I was talking with some people in the area and when I told them there was a new Drainage Act coming up they were quite anxious to find out about it. I told them my understanding was it wasn't to be passed until fall. I had read the same article the member for Kitchener had, saying it wouldn't be passed and it was going to stay on the order paper for the summer for people—engineers, municipal officials and so forth—to have a chance to peruse it and make any recommendations for changes.

I know the drainage report was far-reaching. This bill, of course, doesn't cover the complete report. There are some things in the report which are not in the bill; of course, we have that with any select committee which makes a report. Naturally, all the things aren't in the bill. We found the same with one of the committees I was involved in and when the bill was brought in there were some changes made to it in the Legislature. No doubt there will have to be some changes made in this, I would assume, in processing it from second reading on.

If it is the desire of the government to go ahead with it before the summer recess it would appear to me that the bill probably should go to a standing committee rather than the committee of the whole. It would be a little more opportune for people to make representations with regard to it.

Drainage, of course, in the Province of Ontario, in the farming area, has been a great experience for people who have been involved in it. I have been involved in municipal council for a number of years and live in an area which needs a great deal of proper drainage. People call Essex county the prairies of Ontario. It is pretty flat and we do have a great deal of work to keep the farmlands drained properly.

I know when we were putting in drains in the township many farmers in our area said they sometimes have municipal drains right around the farm. I know a number of farmers paying for as many as four municipal drains at one time. It is a major under-



taking for farmers in an agricultural area to keep their lands properly drained.

There are some major changes in this bill. One of them, of course, is the drainage referee, a position which has been held by senior county judge Judge Clumis in Windsor, and it has been a problem in some areas for one man to get around to take care of many of these things. It sometimes caused delays and I am sure it was not the fault of the referee. The workload that he had was bound to cause delays. Now, of course, the only consultation with regard to the drainage referee will be a point of law and the Ontario Drainage Tribunal will act on all other matters, so that should improve the situation considerably as far as that matter is concerned.

Another area that has been a major concern is the number of people required to have a report made. Now you can have a preliminary report, which people can then study before the engineer makes a complete report on it. I think this is a good idea, because we had many situations where, under the Drainage Act, one person would notify the council that the drain required repair and he would hold the council responsible for any damages unless it was repaired. The council, naturally, would go ahead and have the report brought in and then some problems would show up later, where other people didn't think the drain was necessary. It's the prerogative of the council and the engineer and so forth to see that proper drainage is maintained.

I am not sure of the area it was in—I think it was in western Ontario, in the Owen Sound area or some place, I believe—where the drainage report people had quite a meeting. Some of the environmentalists were holding up the construction of proper drains for farm drainage and—

**Mr. Ferrier:** Fraser township.

**Mr. Ruston:** What was the name of the town?

**Mr. Ferrier:** Fraser.

**Mr. Ruston:** Oh, yes. Thank you. I recall reading about that once or twice. It is of great concern when people are being flooded out and they can't get action if the municipality hasn't got the power to go ahead and have the drain constructed. If they are in a farming area that is associated with a built-up area or a town or a village, where maybe they don't see the need for the drain, then of course they object very strenuously to having to participate in the cost. That's a

concern of many people with regard to drainage.

Another thing I want to mention is the superintendent of drains. A drainage superintendent means a drainage superintendent appointed by a municipality, and of course he will still be appointed by the municipality. A number of years ago this was done by the municipal council, particularly in small municipalities.

If I recall correctly, in our township when the council was elected, then at the first meeting certain wards of the municipality were allocated and one person was commissioner of the drains in that particular ward. Of course, as a commissioner, one did receive some remuneration for it. I don't think it was all that great, although I guess it was satisfactory at the time.

I can recall some cases where a councillor happened to be in an area where there was a great deal of drainage work being done and it seemed like he was busy almost all the time on drains, and in other areas there wouldn't be very many. Now, of course, in those particular municipalities they have had a drainage superintendent for some time and one man is responsible for the supervision of all the drains. I think that is probably better, although I think the old system at the time did serve the purpose very well. I guess that was what you call grassroots political affairs. The municipal council is right in the area. As the fellow says, he couldn't get much more grassroots; he was walking in the mud and the water in covering the drains.

I can recall on a number of occasions going with the engineer to survey drains, and it's quite an education to work with civil engineers. They're very highly qualified people when it comes to layout of land and so forth. I think some of our municipal councillors perhaps picked up some of their education in that area, because it was quite enlightening to be in contact with that type of work.

Of course, the province has been involved in municipal drains for a number of years in terms of paying one-third of the cost. Now, I believe, if I recall correctly, this covers drainage repairs and the province will share that cost on a one-third basis as well.

I understand the appeals have changed to some extent under the new Act. There was an engineer in my area who spent a fair amount of time and had quite an input, I think, into the Municipal Drainage Act amendments around 1960 to 1962. I refer to Mr. Armstrong from Windsor. He was one of the well-versed municipal drainage en-



gineers. He had a fair amount of input into that Act; I think he also provided some input in this one, but not to the same extent, since he's getting on in years.

I'm a little concerned with regard to the major changes in the Act, in that I think we're going to have to make sure the Act is well publicized. When the member for Lambton says he's been around a great deal on the drainage committee, that does cover some of the points; but when you get into the detail of the Drainage Act itself, the paperwork involved and so forth, these are the things that people want to see in detail to ascertain just what it means to them as the local people who have to deal with it.

I think it's very important that we make sure they are aware of these, because it's very easy to say, "Well, we've got our drainage report. We're going to do this." But we say it in broad terms. When you have to get down to the technical points of law, and our draftsmen have to write it up, sometimes it's a little different than what we really intended. I think it is very important that this be made broadly known to those involved.

This does involve a great many people in great large areas of the province. When we think about the necessity for proper drainage for farm lands, I suppose we could think of eastern Ontario as perhaps one of the areas of great potential; it is probably still open to great crop improvements with improved drainage. Having visited relatives in eastern Ontario, I've been told there's a great potential there with improved drainage. They have been making major improvements in the last few years, of course, but there's a great opportunity there to improve the agriculture land potential for crop production, which would be a great asset to our food possibilities in the coming years.

In our own area, western Ontario, good drainage has been a necessity for years, but if you go over fields that are not tiled—for instance, I was at a farm the other day that a young chap had just bought and it was tiled four rods apart, about 45 acres of it. It had been tiled about 40 years ago and the outlet wasn't all that good. It had been a farm that had been rented out and wasn't properly worked. Probably some of the drains had been damaged—a very poor situation.

Just across the line fence was land that was tiled four rods apart; it was well drained. On other farms they tile them three rods apart. Of course, on many farms in our area they are now putting them two rods apart.

Of course, many farms were tiled about 40, 50, some of them 60 years ago. They were tiled four rods apart, some of them with 3 in. tile, and are still working after 50 years, which is really amazing.

Many of them, of course, have been tiled in between since, and it certainly has improved the situation.

Anyone who grows tomatoes or cash crops of high value certainly is going to make sure that their land is well tiled—very likely two rods apart or a minimum of three—to make sure that their crops are protected. This is really the main thing in land drainage, the potential crop production by having proper drainage.

Mr. Speaker, I suppose I could really talk a day or two on this subject if I really wanted to go into detail on each section. But I would certainly recommend, Mr. Speaker, that if it is the decision to go ahead with this bill in this session—the parliamentary assistant and the member for Lambton are very concerned with this—I would ask that they give consideration to having it go to standing committee rather than the committee of the whole House. This provides more freedom in discussing the matter. The officials and draftsmen are there to explain things that maybe we, as laymen, don't quite understand. We understand what is in the drainage report, but when it comes to drafting sections and having to read the legal terms, it throws us a little. This would be an opportune time, then, to have people to question things like that—and allow the public as well to come in to make presentations. I would appreciate it, Mr. Speaker, if they would give that consideration.

**Mr. Speaker:** The member for Cochrane South.

**Mr. Ferrier:** Mr. Speaker, as one of the members of the select committee that looked into this whole area of concern, I am glad to see the bill coming forward in the form that it is. This select committee was a real experience in participatory democracy. While there has been some criticism by certain people in the press about the work that we did, I can tell you, Mr. Speaker, that I have never been at public meetings where so many people took part and offered suggestions for improvement of legislation or improvement as to how it works.

The people had full opportunity to express themselves and this took place in county after county and district after district of this province. I feel the bill we are putting for-

ward here today is as close to meeting the needs of the local people as possibly could be drafted and presented.

Mr. Speaker, it is an improvement in many ways on the previous bill that farmers of this province have had to deal with in getting drainage for their property. I think it will be much less complicated than the previous bill and much easier to work with for the clerks, the municipal councils and the farmers themselves.

I would like to deal with a few topics in the time that remains to me. I am pleased the petition procedure has been changed so that it is not just a majority of the people requiring drainage that can now request it, but if 60 per cent of the land in the drainage basin is owned by those who want the drainage, then four or five people who may own only small tracts and had previously held it up no longer will prevail. If one holds 60 per cent of the land, he can go ahead and get a valid petition to be accepted by the municipal council. That indeed is a step forward.

I think also the provision for a preliminary report by an engineer to give some idea as to what might be involved in a petition is also a step forward, because some people would not sign a petition for fear it might cause them a great deal of expense and they were frightened away from it. This way there will be something specific and basic for the council and the farmers to deal with. They will have a much better idea of what they can expect from going ahead with a drainage scheme in their area. There will not be the dissatisfaction that we discovered out there in so many places under the previous situation.

I think the whole idea of an environmental impact study is important. My colleague, the member for Sandwich-Riverside (Mr. Burr), who was also a member of the select committee, was down in committee studying the Environmental Assessment Act. We are seeing how different courses of action have a spillover effect on a number of areas of our lives. I think this is important to the legislation. It may not need to be used very often, but it is still there and I think it is valuable.

Also, I am pleased to see that the legislation follows through with another one of our recommendations, that a benefit-cost statement can be required. Most drains are beneficial and warrant the spending of the money involved, although we did discover in certain parts of eastern Ontario some drains had

been constructed and the cost-benefit part of it was not altogether positive. I think that to allow the ministry to require that this be gone into is again a positive step forward and one that I am glad to see in the legislation.

One of the major moves is in the appeal procedure, where the bill allows for the establishment of an Ontario Drainage Tribunal to look into appeals on the technical aspects of drainage. Many of the drains got bogged down when disputes arose and there didn't seem to be too good an understanding of how to proceed to an appeal. One would go to a county court judge and he might be conversant with drainage; or he might not be. The problems that come to us in many instances were ones that we tried to resolve; in a sense we were almost operating as an Ontario Drainage Tribunal.

**Mr. Reid:** They didn't solve my problems.

**Mr. Ferrier:** Maybe they are pretty insurmountable up there.

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Not really.

**Mr. Ferrier:** The thing is this body will be made up of people who have expertise and understanding of drainage from the technical point of view and, we hope, people from the farming communities or long-time municipal people. In this way, in a lot of these things that have blown up, where disputes really have got heated and people have really got emotional and animosity has just exploded, this kind of tribunal can sit down with those affected, talk to them about the issues at stake and try to come up with a solution, perhaps in an informal way; perhaps they won't have to even come down with a firm ruling.

I think that the drainage referee has been so remote from people and that in many instances he has only really dealt in a strictly legalistic way with the problems brought to him, that this is a very, very forward move that is being put in this legislation. I think the committee, of which I was a part, should be commended for this report—

**Mr. Reid:** One of the most expensive in the history of Ontario.

**Hon. Mr. Rhodes:** The expenditure was worth it.

**Mr. Eaton:** Doing the most good too.

**Mr. Ferrier:** And of course, the ministry has gone ahead with it—

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Ferrier:** Also, drains in this province often were allowed to grow over with weeds and did not function properly because grants were not available to them. This legislation now means that maintenance and repair are eligible for the same grants. I think we will find that the drainage system will be kept in much better shape and that the major projects will not have to be carried out perhaps 20 years hence. If they do it about every five or six years, we will have much better functioning drains and we will not have the problems we have had in the past with this kind of thing.

I think it is also worthwhile that the drainage superintendents will be paid partially by the province and by the municipality as a whole, and that there will not be such a heavy burden placed on those who sign the petition. We all also realize that drainage is to the advantage of an entire municipality and to the province as a whole in terms of the effects in the province and the municipalities pick up this cost and that we have superintendents and people at the local level who are most knowledgeable about drainage matters. These people will replace the commissioners in many instances, but again I think that matters can be resolved and farmers can be helped by superintendents who are knowledgeable, involved and interested in their work, and well qualified. I think it is a very good move that we have made here in providing for them and in making provision for their pay.

I see that my time is up. I would have had some more things to say, but I have got to go to Winnipeg on Monday to elect our new leader—

**Mr. Reid:** That will be a wasted effort, a waste of time.

**Mr. Speaker:** Order, please.

**Mr. Ferrier:** —so I will yield the floor to another member.

**Mr. R. D. Kennedy (Peel South):** Is that trip necessary?

**Mr. Deans:** Yes.

**Mr. Speaker:** Does any other member wish to enter this debate?

**Mr. Stokes:** Talking about drips, we are waiting to hear from the member for Rainy River.

**Mr. Speaker:** The member for Rainy River.

**Mr. Henderson:** Mr. Speaker—

**Mr. Reid:** Go ahead.

**Mr. Speaker:** The member for Lambton then.

**Mr. Henderson:** Mr. Speaker, is it your wish that we carry on with the debate?

**Mr. Speaker:** No.

**Mr. Henderson:** I do have about 10 minutes.

**Mr. Speaker:** I wonder if the member for Lambton would move the adjournment of the debate?

**Mr. Henderson:** Just before I move the adjournment of the debate, Mr. Speaker, I would like to agree with the hon. member for Cochrane South. He has brought out some very important points. I will now move the adjournment of the debate.

**Hon. Mr. Rhodes:** And the passage of the bill.

**Mr. Henderson:** I would certainly move that too, of course, but I guess that is not in order, Mr. Speaker.

Mr. Henderson moves the adjournment of the debate.

Motion agreed to.

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** Before I call the order of business, I would like to say I think we have reached the point where we can almost say we will call any item but some will be excluded. To the best of my ability, I will call them in this order: I'll read the bill numbers far Monday.

Bills 133, 105, 127, 129, 108, 109, 117, 128 and 99.

**Mr. Reid:** Mr. Speaker, before we move the adjournment of the House, will the House leader indicate if he thinks we'll get out of here this year?

**Hon. Mr. Winkler:** Mr. Speaker, the government introduces and the opposition opposes.

**Mr. Deans:** We will get out this year. What I'd like to know is can the House leader tell us whether all of the legislation he proposes to deal with during the current session is now on the order paper?

**Hon. Mr. Winkler:** Mr. Speaker, I will have to say no. I will be presenting a bill on



Monday but I can assure the member that it is not controversial.

**Mr. Deans:** Okay. The second question is can he tell us whether it's his intention to sit in the House on Wednesday next?

**Hon. Mr. Winkler:** I would have liked to have been able to comment on that, as I told the hon. member, before the House closed today. Unfortunately, I cannot tell, as no one can, what the reaction will be to the legislation I have called, but we will be able to determine that on Monday. I think on Monday evening I will be able to say. The point is, if we have to sit on Wednesday in order to conclude the business on the order paper, I would like to say that's what I would do. If not, I would see no necessity for sitting on Wednesday.

**An hon. member:** Why not sit at 10 o'clock?

**Mr. Speaker:** Order please. The member for Wentworth.

**Mr. Deans:** I'm sorry, but I have one other question. Given that we have two important bills outside the House now—the teacher legislation and the Environmental Assessment Act—and given my understanding that this legislation we're currently dealing with is also to go outside the House, it would appear to me it is not possible for us to carry on here and outside with three standing committees.

**Mr. Reid:** It's committee of the whole House.

**Mr. Deans:** It's not going outside?

**Mr. Eaton:** It's committee of the whole House.

**Mr. Deans:** Committee of the whole House?

**Mr. Kennedy:** We will still be in session when the member gets back from the west.

**Mr. Deans:** I'm not going to the west.

**Mr. Speaker:** Order, please.

**Mr. Deans:** All right. We'll talk about it on Monday.

**Mr. Speaker:** The member for Lambton.

**Mr. Henderson:** Mr. Speaker, might I inquire of the House leader—as you know we adjourned the debate on Bill 130 and I note in the business announced for next week the House leader didn't mention Bill 131. Is it his intention to carry on with the debate on Bill 131 on Monday or is he going to the energy bill, Bill 133, as he called?

**Hon. Mr. Winkler:** Mr. Speaker, as I mentioned, we would call Bill 133 first on Monday and we would determine sometime on Monday what the course of events is and probably call those two bills on Tuesday.

**Mr. Henderson:** Fine, thank you.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1.05 o'clock, p.m.

## CONTENTS

**Friday, July 4, 1975**

Energy prices, statement by Mr. Timbrell .....	3633
Mobile homes, statement by Mr. Irvine .....	3633
Energy prices, questions of Mr. Timbrell: Mr. R. F. Nixon, Mr. Renwick, Mr. Deacon, Mr. Stokes, Mr. Ferrier .....	3634
Petroleum product stockpiles, questions of Mr. Timbrell and Mr. Handleman: Mr. R. F. Nixon, Mr. Renwick .....	3635
Pickering airport, questions of Mr. Rhodes: Mr. R. F. Nixon, Mr. P. Taylor .....	3637
Olympic tickets, questions of Mr. Bennett: Mr. R. F. Nixon, Mr. Lewis .....	3637
Energy prices, question of Mr. Timbrell: Mr. Renwick .....	3639
Hate literature, questions of Mr. Clement: Mr. Renwick, Mr. Lewis .....	3640
Rent controls, question of Mr. Irvine: Mr. Renwick .....	3641
OHC letter to tenants, question of Mr. Irvine: Mr. Lewis .....	3642
Gwell investments, question of Mr. Bennett: Mr. Reid .....	3642
Alleged theft by CUPE officials, question of Mr. Clement: Mr. Shulman .....	3642
QEW ramps control problem, question of Mr. Rhodes: Mr. Ruston .....	3643
Hydro rate increase, question of Mr. Winkler: Mr. Lewis .....	3643
Contract employees, question of Mr. Winkler: Mr. Deacon .....	3644
Access to amethyst mines, question of Mr. Rhodes: Mr. Stokes .....	3644
Home renewal programme, question of Mr. Irvine: Mrs. Campbell .....	3644
Employment prospects of handicapped persons, question of Mr. MacBeth: Mr. Burr .....	3644
Railway relocation, question of Mr. Rhodes: Mr. B. Newman .....	3644
Child welfare legislation, question of Mr. Brunelle: Mr. Martel .....	3645
Resolution, re Ministry of Culture and Recreation estimates .....	3645
Niagara Escarpment Planning and Development Amendment Act, Mr. McKeough, first reading .....	3645
Resolution re appointment of A. E. M. Maloney as the Ombudsman for Ontario, Mr. Clement, concurred in .....	3646
Public Service Superannuation Amendment Act, reported .....	3649
Stock Yards Amendment Act, Mr. Stewart, second reading .....	3653
Third reading .....	3654
Ontario Agricultural Museum Act, Mr. Stewart, second reading .....	3654

---

Ontario Agricultural Museum Act, Mr. Stewart, reported .....	3657
Third reading .....	3659
Pregnant Mare Urine Farms Amendment Act, Mr. Stewart, second reading .....	3659
Third reading .....	3660
Drainage Act, Mr. Stewart, on second reading .....	3660
Motion to adjourn, Mr. Winkler .....	3667







# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, July 7, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159)



# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 7, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

**Mr. E. W. Martel** (Sudbury East): This ought to be a performance.

## SUPPLEMENTARY ACTIONS TO BUDGET

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Mr. Speaker, no member of this Legislature can be unaware of the fact that on June 23 the government of Canada tabled a budget—a surprising document, a document irrelevant to the needs of Canada and Ontario—

**Mr. Martel:** What an observation.

**Hon. Mr. McKeough:** —a document that increases the tax burden on our citizens, that fuels inflation, that is mischievous in terms of the clear interests of the people and the provinces.

The critical fact is that it has the capability of stalling the recovery of our economy in the second half of this year. It has made it necessary for us to reinforce the forward economic thrust of the Ontario budget of April 7.

The Ontario budget of April 7 was selective. It was selective in terms of time, it was selective in terms of the points of impact in our economy. It was specific to the needs in lagging sectors, to the special needs of people, to the slowing of inflation, to the expansion of job opportunities in Ontario.

It was designed to have its major impact in the last half of 1975, to accelerate recovery during this period, to taper off in terms of its impact as the economy gained strength.

It was specific to the defined requirements of the economy. It was specific to sectors that particularly required stimulation or help—the automotive industry, construction of needed homes, reinforcing incomes and purchasing power of people, strengthening small business and farming, increasing investment and productivity and demonstrating the leadership of the government of Ontario in the matter of expenditure restraint. It was carefully planned

to strengthen the Ontario economy and assist the people of the province in a period of excessive inflation and growing unemployment.

It was, sir, gravely undercut by the June 23 budget of the government of Canada.

The price of energy was raised—\$740 million in a full year. A 10 cent levy was placed on every gallon of gasoline. Inflation was escalated. The rate of job creation was slowed. Costs to consumers were increased.

It called for new action by Ontario to compensate for its wrong direction and its gross inadequacies. I was instructed by the Premier of Ontario (Mr. Davis) to reassess the prospects of the people and the economy of Ontario in the light of this federal budget—a budget clearly adverse to the interests of Ontario, and indeed of Canada.

So, sir, in response, I am tabling two papers today as part of this statement. One of these deals with Ontario's experience under federal-provincial cost sharing. As I see it, this is the most serious long-term aspect of the federal budget. The federal government imposed abrupt and arbitrary ceilings on its financial support of national medicare. It also announced the termination of cost-sharing agreements for hospital insurance in the future.

The Ontario paper clearly illustrates the degree to which Ottawa has used its fiscal surpluses to lever provinces into expensive sharing arrangements against their declared priorities. The federal budget is one more case where provinces are left to carry on with reduced federal support. I foresee that under this new regime Ontario and other provinces will be severely strained to maintain existing standards of health care. I suggest, therefore, an early meeting of Ministers of Health to consider the implications of the federal budget on the future of essential health services.

**Mr. S. Lewis** (Scarborough West): The Treasurer knows there won't be one.

**Hon. Mr. McKeough:** Further, on behalf of the Ontario government, I now offer to assume complete responsibility for health care in Ontario. The Ontario government, in so doing, will assume all future financial risks in exchange for 17 points of the personal income

tax. Furthermore, Ontario is serving notice that it cannot afford and does not intend to enter into any new spending areas the federal government chooses to introduce as shared-cost programmes.

The other paper accompanying this statement is entitled "The Energy Factor and Ontario's Economic Recovery." This paper reviews the impact of the June federal budget on the prospects for Ontario's economic recovery. My statement today is our response.

Mr. Speaker, my 1975 budget plan called for \$430 million in fiscal actions to reinforce consumer spending, increase investment and productivity and expand housing. Having fully committed Ontario's resources we anticipated that relevant policies by the federal government would assist economic recovery in 1975. The federal budget, however, has flattened emergent economic growth, negatively altered expectations and significantly reduced the resources available to the province.

I estimate that the fall-off in revenues will amount to \$100 million in 1975-1976. In spite of the fact that our income is reduced, Ontario must now shoulder a grossly unfair proportion of the responsibility for economic stimulation and public sector control. Ontario must increase its initiatives in housing to reinforce this vital sector and compensate for the shocking inadequacy of the federal commitment.

We are determined to meet these additional needs, sir, and to compensate for the federal failure to ensure a healthy economic upturn. We are determined to achieve this purpose without increasing total government spending and without adding to inflationary pressures. The revised budget plan which I am tabling today, therefore, provides \$178 million for expansion initiatives to be financed by a re-ordering of our priorities and by cutting internal government expenditures.

The government of Ontario accorded the highest priority to housing programmes in my April budget. Total funding in this vital area was increased to \$526 million.

Our package of housing initiatives included \$1,500 grants to new home buyers, \$87 million for senior citizen and socially assisted housing units, \$43 million for the Ontario Housing Action Programme, \$41 million for the HOME programme and \$208 million for the Ontario Mortgage Corp. We reduced the sales tax on building materials, eliminated the sales tax on machinery used in construction and increased our capital investment in sewer and water facilities to service new and growing communities.

We expected our actions to be matched by a parallel federal commitment. In fact, the federal budget provided \$200 million in additional funds for housing for all of Canada. It did little to reduce mortgage rates or to stimulate mortgage funds. Given this federal failure, Ontario will act to ensure a supply of reasonably priced homes for the people of Ontario. The government will increase housing supply in four ways.

Senior citizen units: Ontario cannot and will not tolerate the inadequate funding in this area. To ensure that our target of 10,600 senior citizens and socially assisted starts is met, Ontario will provide 100 per cent financing for 4,000 units. This will cost an additional \$80 million, of which \$25 million will be spent this year and \$55 million next year.

Accelerated family rental programme: My colleague, the Minister of Housing (Mr. Irvine), has announced a commitment of \$90 million for new rental housing under the accelerated family rental programme. Under this limited dividend programme, rents and rates of return are controlled for a minimum of 15 years in return for an eight per cent mortgage. We propose an additional \$50-million commitment to generate 2,000 new starts by the end of this fiscal year.

In conjunction with this new direct provincial lending commitment, we will undertake a complementary initiative, an interest subsidy programme to private lenders who invest in limited-dividend rental projects before Dec. 31, 1975.

These measures are targeted to produce an additional 6,000 rental starts for moderate- and low-income families and involve \$50 million of provincial direct investment, plus \$52.5 million of incentive subsidies over the 15-year term of the programme.

Extended OHAP: To complement these actions, the subsidized OHAP rate of 10½ per cent will be extended to an additional 9,000 low-cost ownership units. One of the major difficulties in producing reasonably-priced housing for moderate-income families is the cost of mortgage financing. Effective today, interest subsidies will be applied for a five-year period to mortgages on all moderate-income OHAP units started before March 31, 1976.

Private financing commitments of some \$360 million will be required before Dec. 31, 1975, if this target is to be realized. We are tabling today a paper which analyses trends in mortgage financing in Canada. It shows that the principal lending institutions have an impressive record in providing financ-



ing for housing. However, an even stronger commitment is required. Therefore, we have set up a series of meetings with the lending institutions to outline what this government is doing and what we expect of them. The Premier, the Minister of Housing and myself will start these discussions by meeting with the chartered banks later today.

My original budget significantly increased our funding of water and sewer projects to \$138 million in 1975-1976. I now propose an additional \$10 million in this essential housing support investment.

In addition, the province's 15 per cent subsidy to local government systems will be increased by \$2 million to meet anticipated demand.

**Mr. E. Sargent (Grey-Bruce):** Now he is winding down.

**Hon. Mr. McKeough:** Ontario has enormously expanded its commitment and its funding to the housing sector. The actions I have outlined cover an additional 19,000 housing units which the province will finance directly or assist in financing via incentives to private lenders. This will require additional provincial spending of some \$30 million this year, an additional spending commitment approaching \$100 million in 1976-1977 and a total commitment in excess of \$200 million over the full term of these new programmes. I had expected that 90,000 new housing units would be started in Ontario in 1975. Given the performance and events since my April budget, we are unlikely to exceed 75,000 starts this year.

**Mr. Lewis:** Oh we are unlikely to reach 75,000 starts this year.

**Hon. Mr. McKeough:** However, our new measures should ensure 90,000 starts in fiscal 1975-1976.

**Mr. Sargent:** It was 100,000 last year.

**Hon. Mr. McKeough:** With these measures, Ontario will have done all in its power to ensure a resurgence in housing activity.

**Mr. Sargent:** Promises, promises, promises.

**Mr. J. M. Turner (Peterborough):** Doesn't the member like that?

**Hon. Mr. McKeough:** In addition to the major new actions in housing, the government proposes a package of selective measures to assist other sectors of the economy. Student living allowances will be increased

from \$32 to \$40 per week for the upcoming academic year.

**Mr. E. R. Good (Waterloo North):** That's already been announced.

**Hon. Mr. McKeough:** We are allocating an additional \$5 million for the repair and maintenance of university and college buildings in areas of high unemployment. To further help job creation directly, we are proceeding with five essential new government buildings in Windsor, Kitchener, Timmins, Dryden and New Liskeard. These capital projects, which involve construction costs of some \$20 million, will be built and financed by the private sector on a leaseback basis in order to minimize the burden on our 1975-1976 finances.

In recognition of severe financing pressures on local governments we have provided an additional \$6.4 million. We have provided an additional \$6 million to the Ontario Transportation Development Corp. for research on new modes of transportation.

**Mr. R. F. Nixon (Leader of the Opposition):** They'll make that thing go somehow.

**Hon. Mr. McKeough:** To assist beef producers, we have introduced a cow-calf income stabilization programme, which is estimated to cost \$8.6 million in this fiscal year. We have approved \$27 million for improved benefits to welfare families and GAINS beneficiaries, \$12 million to meet salary settlements for the Ontario Provincial Police and \$8 million for increased interest charges on the public debt. Ontario will improve its pension benefits for retired civil servants and teachers to the extent of \$17 million this fiscal year.

**Mr. Lewis:** Good, good.

**Hon. Mr. McKeough:** Mr. Speaker, the expenditure measures I have outlined will increase our 1975-1976 estimates by a total of \$150 million. Let me now turn to the revenue side. I am proposing additional tax cuts totaling \$28 million in 1975-1976.

The two softest spots in the Ontario economy are housing and automobiles. I have already outlined our measures to assist housing. Let me now outline a major action by the Ontario government to increase jobs and activity in this other key sector, which directly employs 100,000 workers in this province. Effective immediately, I propose to remove the retail sales tax on new car registrations.

**Mr. Lewis:** Have the government members all just bought new cars?



Interjections by hon. members.

**Mr. Speaker:** Order, please.

**An hon. member:** We'll all have to get Lincolns.

**Hon. W. G. Davis (Premier):** But it doesn't apply to the Excalibur. If they are getting a new Excalibur, they can't get the tax cut.

**Hon. Mr. McKeough:** This tax cut, which will remain in force until Dec. 31, 1975, will be delivered in the form of a cash rebate from the Ministry of Revenue to the car purchaser.

**Mr. Martel:** Oh—here's the crunch again.

**Mr. Lewis:** Now, just a second—

**Mr. Speaker:** Order, please.

**Hon. Mr. McKeough:** It will apply to all passenger cars and station wagons built in Canada or the United States—

**Mr. M. Shulman (High Park):** Sending a direct cheque out to each one. Really!

**Hon. Mr. McKeough:** —including 1975 models in inventory as well as new 1976 models, but excluding large luxury cars.

**Mr. Lewis:** Are they putting the Premier's picture on the cheque?

**Hon. A. Grossman (Provincial Secretary for Resources Development):** Good idea.

Interjections by hon. members.

**Mr. Lewis:** The minister and the Bank of Commerce.

**Mr. Speaker:** Order, please. Could we have fewer interjections? The hon. minister.

**Mr. Martel:** The hypocrisy of this government is beyond belief.

**Hon. Mr. Davis:** The UAW is all in favour of it.

**Mr. Lewis:** No doubt.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** They'll even like this in the United States.

**Hon. Mr. McKeough:** This measure will save purchasers an average of \$175 on the purchase of a new automobile. This will stimulate sales and increase production and jobs in this important industry. Expansionary benefits will spread throughout the economy. I estimate that this measure will cost some \$24 million in the current year.

**Mr. R. F. Nixon:** Now the big one.

**Hon. Mr. McKeough:** The June 23 federal budget reduced excise taxes on imported and domestic wines.

**Mr. R. F. Nixon:** The member for High Park will like this.

**Hon. Mr. McKeough:** The Liquor Control Board of Ontario will apply its markup structure on this reduced base. I estimate the loss in revenue to Ontario will amount to \$4 million in 1975-1976.

**Hon. S. B. Handleman (Minister of Consumer and Commercial Relations):** Fifteen cents a bottle, the member for High Park will note.

**Mr. Lewis:** Yes, but that is only on one purchase; what about the rest of the province?

**Hon. Mr. McKeough:** Mr. Speaker, the supplementary tax and expenditure actions I have outlined amount to \$178 million this year. The new housing initiatives, however, will involve large spending commitments in subsequent fiscal years. This makes it imperative that we finance these new initiatives without adding to our original expenditure total or locking the province on to a higher spending plateau. To achieve this goal, I propose internal cuts and hard-nosed reductions within existing programmes.

Let me reaffirm a basic conviction which I stated in my April budget:

I am convinced that one of the root causes of the current inflation problem in Canada is excessive government spending and unnecessary growth in the size and complexity of the public sector. This has shifted an increasing share of our total resources out of private production uses in the economy and has eroded the taxpayer's hard-earned income.

My 1975 budget has reflected this concern. It has continued Ontario's tough measures to curb the growth of government. I remind members of our 2.5 per cent cut in civil service complement and our restraint in spending in order to set an example of responsible leadership. Now we must take even tougher measures.

We were determined to find within our original spending estimates sufficient savings to finance the \$178 million in new measures.

**Mr. Martel:** Did the government cut its advertising programme?

**Hon. Mr. McKeough:** We shall achieve these savings without sacrificing the delivery of essential services, without defaulting on our commitments to local governments and without distorting our priorities. We have drawn up a two-part plan to achieve these expenditure cuts and internal efficiencies.

However worthy any existing programme, there is scope within a total expenditure of \$11 billion to delete or postpone. We have isolated some \$96 million in savings which can be secured this fiscal year. We intend to scale down our land purchases by \$35 million, including purchases for the parkway belt, for future highway rights-of-way and for the acquisition of parkland. The Ontario Development Corp. loans will be reduced by \$7.5 million. We are postponing \$11 million of regional priority spending. We are stretching out capital projects under the health resources development fund for a saving of \$12 million this year. The startup loan to the Algonquin Park Authority will be reduced by \$4.5 million. We shall proceed less ambitiously on the industrial parks programme for a saving of \$4.9 million. The balance of \$21.2 million is made up of smaller savings spread throughout the estimates of the ministries.

The second element of our restraint programme focuses on internal government costs. Government administration is a labour-intensive activity which has become increasingly complex, sophisticated and costly. It is in this area that we must achieve the maximum reductions. Management Board has been instructed to implement eight cost-control measures which will produce savings of some \$82 million in 1975-1976:

1. An immediate freeze on replacement staffing for all internal administrative functions such as information services, systems, planning, records, personnel, accounts and finance;—

**Mr. Sargent:** Why not fire them, like they did in New York?

**Hon. Mr. McKeough:** With normal attrition, this should result in 1,500 fewer personnel in those areas by the end of the fiscal year.

2. An immediate moratorium on new or renewed contracts for management consulting and organizational planning;

3. A 10 per cent reduction in data processing budgets;

4. A 10 per cent reduction in direct operating expenditures (other than salaries and benefits but excluding institutions). This will re-

duce spending on travel, communications, supplies, services, furniture and equipment;

5. A reduction in internal planning and design operations which support programmes whose real growth has levelled off or declined;

6. A reduction in inventories of supplies and equipment and improved inventory management;

7. Consolidation and rationalization of regional offices;

8. A review of research, statistical, planning, internal services and administrative units with the objective of reducing the number and size of such units, while improving effectiveness.

**Hon. Mr. Grossman:** I don't know what I will do without all that paper work.

**Hon. Mr. McKeough:** These control measures will be painful during the process of "dieting and sweating-down" but will produce a leaner and stronger provincial public service. All ministries will join in a concerted effort to assist Management Board in this eight-part economy drive.

In summary, programme cuts of \$96.1 million and internal cost cuts of \$81.9 million will produce total reductions of \$178 million in this fiscal year. These savings will finance the expansionary measures needed to reinforce economic recovery and to offset the effects of the federal budget.

Before leaving this matter of cost control in government, let me say unequivocally that Ontario expects parallel economy actions on the part of all provincial boards, agencies and commissions as well as local governments and their agencies that spend public money.

On April 7, I urged local governments, both school boards and municipalities, to reduce their staffing, overhead and administrative spending and to defer less essential capital projects. I am pleased to inform members that municipalities have co-operated with the Ontario Municipal Board and managed to strip out \$50 million in capital spending intentions for this year. I now ask the local sector to trim its operating budgets. Each one per cent trimmed saves \$50 million. I am confident that cuts can be made. By curbing the internal costs of local government in this way, ratepayers will be reassured that they are getting maximum services for their tax dollar.

Under the Edmonton commitment, Ontario has committed the maximum resources to school boards and municipalities that it can afford. Although the province is reducing its complement, I cannot help but notice that

local governments are expanding their internal bureaucracies. Unless local government staffing and spending are severely constrained—

**Mr. R. Haggerty** (Welland South): Like regional government.

Interjections by hon. members.

**Hon. Mr. McKeough:** —therefore, the increased financing burden must fall on local ratepayers. Stringent cost-cutting and self-discipline can prevent this otherwise inevitable increase in property taxes on our citizens. Spending restraint will only become truly effective when it becomes contagious. Accordingly, we expect that Hydro, like other government agencies, will prune its operating and capital budgets. On the operating side we expect—

**Mr. Sargent:** What is he going to do with the increase it wants?

**Hon. Mr. McKeough:** —that Hydro will work to achieve a comparable 10 per cent administrative cut. On the capital side, a maximum of \$1 billion must be shaved—

**Mr. Lewis:** That is what we said. \$1 billion.

**Mr. Martel:** Did he borrow that?

**Hon. Mr. McKeough:** —from Hydro's long-run investment programme. This may mean stretching out for two or three years the completion schedule on the four major generating stations included in Hydro's planned expansion to 1985. I recognize that to some people this implies narrowing our customary margin of reserve capacity.

**Mr. Lewis:** Exactly. Right.

**Hon. Mr. McKeough:** Nevertheless, in the long run, Hydro's customers will benefit from the improved cost structure that should result from the public inquiry now being conducted by the Ontario Energy Board.

Before concluding, let me say a few words about the rate hearing.

**Mr. Lewis:** Right you are.

**Mr. Good:** Who is the Minister of Revenue?

**Mr. Haggerty:** Eighty per cent increase in four years.

**Hon. Mr. McKeough:** First, I am appalled at the 29 per cent rate increase proposed by Hydro.

**Mr. Singer:** How many months did it take to—

**Hon. Mr. McKeough:** Second, let me reaffirm what the Minister of Energy (Mr. Timbrell) has repeatedly said, that there will not be any increase in Hydro rates before Jan. 1, 1976.

**Mr. Martel:** That is another "saving". That is like the 90 days inventory deal.

**Mr. I. Deans** (Wentworth): Jan. 1 is going to be a very big day in Ontario. I would hate to have to pick up the tab.

**Hon. Mr. McKeough:** Under the hearing process we have established, there cannot be any increase until the costs, revenues and capital expenditure programmes of Ontario Hydro have been exposed to full public scrutiny.

**Mr. R. F. Nixon:** Not subject to government policy.

**Hon. Mr. McKeough:** Following the economies we have discussed, I am hopeful that Hydro will succeed in moderating its expectations in the Energy Board application.

**Mr. Lewis:** That is the first indication; what is he bringing it down to?

**Mr. Martel:** He said something about the 29 per cent before.

**Hon. Mr. McKeough:** Mr. Speaker, we are introducing these further economies in the operations of the government of Ontario against the stark background of the extravagance and waste of the government of Canada.

**Mr. Lewis:** He won't give up, will he?

**Hon. Mr. McKeough:** While professing restraint, the federal government's June budget still adds 10,000 civil servants to its already bloated bureaucracy. While professing economy, the government of Canada—

Interjections by hon. members.

**Hon. Mr. Davis:** Which is the budget the member refers to?

**Hon. Mr. McKeough:** —reneged on shared-cost programmes with the provinces but left untouched its own fat operations.

**Mr. R. F. Nixon:** The member for St. David (Mrs. Scrivener) talks about dirty tricks.

**Mr. Singer:** Yes, the member for St. David talks about dirty tricks.

**Hon. Mr. McKeough:** Paralleling Ontario's actions would have reduced the federal complement by 2.5 per cent rather than increas-



ing it by 3.1 per cent. This would have saved the taxpayers of Canada over \$270 million in payroll costs in 1975-1976.

**Hon. Mr. Davis:** That's the good budget the member opposite refers to.

**Hon. Mr. McKeough:** If they, like us, had cut direct federal operating costs by 10 per cent, they would have saved a further \$300 million.

If they had frozen, as we have done, consulting contracts, it would generate further savings for the Canadian taxpayer of some half a billion dollars.

Interjections by hon. members.

**Hon. Mr. McKeough:** I know the hon. members opposite don't want to hear this, but they should just pipe down and listen to it.

**Mr. R. F. Nixon:** There's a limit to our patience.

**Mr. Speaker:** Order, please.

**Hon. Mr. Grossman:** Keep apologizing; go ahead.

**Mr. Lewis:** Leave them a few seats. Just leave them a few seats. A kind of relic, a legislative relic.

**Mr. J. R. Breithaupt (Kitchener):** A few more than the NDP.

**Mr. Lewis:** I doubt it the way things are going.

**Hon. Mr. McKeough:** In short, Mr. Speaker, the federal government could squeeze \$1 billion off its own internal costs with little impact on its programmes or services. Such real rather than illusory restraint would have avoided completely the need for tax increases on gasoline and on unemployment insurance.

**Mr. Singer:** That is restraint.

**Hon. Mr. McKeough:** I cannot resist one further observation. How many additional National Revenue staff will it take to administer Ottawa's 10-cent excise tax, with its incredible uneven applications, rebates, forms and complexity?

**Mr. T. P. Reid (Rainy River):** Is the Treasurer going to deliver all the cheques personally?

**Hon. Mr. Grossman:** The Treasurer should give the Liberals a further chance to dig a deeper hole.

**Mr. Speaker:** Order, please.

**Hon. Mr. McKeough:** I estimate that more than 1,000 civil servants will be required at Ottawa at a cost of tens of millions of dollars. Private sector costs will be even greater. Surely this tops the list of absurd federal policies, at great cost to Canadian taxpayers.

Interjections by hon. members.

**Hon. Mr. McKeough:** Remembering that my critic called it a good budget, I say that—a good budget.

**Mr. Lewis:** Oh, come on.

**Hon. Mr. Grossman:** Who said that?

**Hon. Mr. Handleman:** The member for Carleton East pointed out what a good budget it was.

**Hon. Mr. McKeough:** My revised fiscal plan for 1975-1976 provides for the financing of the new tax and expenditure initiatives within the April budget expenditure base. These expansionary and employment-generating measures will cost \$178 million in this fiscal year. The required funding will be made possible by programme cuts, postponements and internal cost-cutting.

The supplementary actions which I have tabled in this statement will not impose any additional financing requirements in this fiscal year.

**Mr. Sargent:** Bring in a new budget then.

**Hon. Mr. McKeough:** The impact of the federal budget means, however, that our revenues will decrease by \$100 million, of which \$60 million is attributable to reduced profitability of our corporations. The revenue loss will raise our overall cash requirements by \$100 million to a revised level of \$1,769 million.

**Mr. Breithaupt:** That is restraint.

**Hon. Mr. McKeough:** This higher figure is prudently within the province's fiscal capacity and requires no significant change at this time in our financing strategy.

**Mr. Martel:** Wait until next year.

**Mr. Reid:** What's \$100 million?

**Hon. Mr. McKeough:** Our internal pension funds will generate \$1,152 million this year, leaving a balance of \$617 million to be financed from liquid reserves and borrowing in the public market. We expect to re-enter the treasury bill market later this month. For the information of members, our first Canadian issue in July was well received. The

people of Ontario continue to benefit from this province's pre-eminent credit rating, which is founded on basic fiscal integrity.

**Mr. Sargent:** The government has looted and drained every pension fund.

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Who is that over there?

**Hon. Mr. McKeough:** Mr. Speaker, these supplementary actions are a positive and firm response to the economic situation and the vacuum in federal leadership and management of the economy.

**Hon. Mr. McKeough:** They will help to restore the public's confidence, which was seriously damaged by the federal budget. We have placed before the members a responsible answer to the federal budget on behalf of our people. We have done so in spite of the severe limitations on our resources. I am firmly convinced that more is needed. I am concerned by the diminishing capacity of provincial governments to continue stepping into the breach when Ottawa fails us. I, therefore, urge the federal Minister of Finance to immediately convene a meeting with provincial ministers of finance.

**Mr. Lewis:** The government is very lucky; the gods and the Liberals are on its side.

#### SUPERANNUATION ADJUSTMENT BENEFITS LEGISLATION

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, later today I will be introducing a bill which will apply to pensioners qualified under the public service and teachers' superannuation funds and which will provide for regular annual pension adjustments based on the consumer price index, with a ceiling of eight per cent per year.

Hon. members may recall the Premier's announcement last June which indicated the government's desire to institute such a programme with costs shared equally between employer and employee. Since then, extensive discussions have taken place between the government and representatives of contributors to the teachers' superannuation fund and the public service superannuation fund. This programme of regular annual pension adjustments has been developed as a result of these consultations.

The provisions of the bill will be made applicable to pension funds where representatives of members have indicated agreement to

contribute one per cent of salary to the superannuation adjustment fund. Adjustments will be made effective from Jan. 1, 1976, for those in receipt of pensions from funds designated under this bill.

In this connection, I am pleased to announce that effective Jan. 1, 1975, pensions paid to individuals who were in receipt of pensions from the public service superannuation fund before Dec. 31, 1974, will be increased by eight per cent for those whose pensions commenced in 1973 and earlier. For those who retired in 1974, this amount will be pro-rated relative to the number of months in 1974 during which the individual was in receipt of a pension.

With the introduction of the Superannuation Adjustment Benefits Act, it is anticipated that this will be the last in a series of payments made under the pension adjustment programme instituted by the government in January, 1971.

#### PENSION ADJUSTMENTS FOR TEACHERS

**Hon. T. L. Wells** (Minister of Education): Mr. Speaker, following what my colleague, the Chairman of Management Board, has just stated about the new Superannuation Adjustment Benefits Act being introduced today, I am pleased to report that the provisions of the new bill have been endorsed and accepted by the Ontario Teacher's Federation on behalf of the province's teachers.

As has been indicated, the bill means that, effective January, 1976, Ontario's retired teachers will receive annual adjustments to their pensions in accordance with variations in the cost of living.

The adjustments will be based on a ratio using the consumer price index for Canada, and will be limited to a maximum of eight per cent in any given year. If the consumer price index ratio increases by more than eight per cent, the excess will be applied toward a subsequent year when the increase is less than eight per cent.

**Mr. Martel:** That will help them starve.

**Hon. Mr. Wells:** As an example, should the cost of living rise 10 per cent in 1976, pensioned teachers would receive an eight per cent increase in 1977 and the additional two per cent would be added in a subsequent year when the cost of living rises less than eight per cent.

For example, should the increase in the cost of living be five per cent in 1977, then

the 1978 adjustment would be seven per cent, made up of the five per cent rise for 1977, plus the carry-over of two per cent.

**Mr. Shulman:** This is a joke.

**Hon. Mr. Wells:** Under this new plan, teachers' pensions will not decrease, even though the cost of living might decrease in any given year.

**Mr. Shulman:** Oh sure.

**Hon. Mr. Wells:** A negative adjustment which might arise from a decrease in the cost of living will instead be applied against a subsequent year in which the cost of living increases.

To pay for this new benefit for teachers who are currently teaching, the pension contributions by these teachers will be increased by one per cent of gross salary—from six per cent to seven per cent—beginning in September of this year. The provincial government, which matches the teachers' contributions, will also increase its share by one per cent.

This full two per cent increase will be put into a new superannuation adjustment fund which will be under continual review by representatives of both the teachers and the government.

Teachers who retired prior to January, 1975, will of course also benefit from this new automatic annual adjustment in the future and, in addition, will receive a pension increase under the pension adjustments programme instituted by this government in 1971.

Therefore, I am pleased to announce that superannuated teachers who were receiving pensions in 1973 and earlier will, effective Jan. 1, 1975, have their pensions increased by eight per cent.

For those who retired in 1974, the increase will be pro-rated according to the number of months during which the individual received a pension in 1974.

These increases will be reflected in the July pension cheques. To pay for the increase in benefits for teachers who have already retired, the government will make special payments from the consolidated revenue fund.

**Mr. Speaker,** on Wednesday, I will be introducing a bill to make a number of housekeeping changes to the Teachers' Superannuation Act.

There are a number of further matters related to teachers' superannuation which are still under study and we will be continuing our very constructive discussions with the

Ontario Teachers' Federation in order that any further changes will be in the best interests of all concerned.

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

## SUPPLEMENTARY ACTIONS TO BUDGET

**Mr. R. F. Nixon:** Thank you, Mr. Speaker. I would like to put a question to the Premier, based on the policies announced by the Treasurer and based on announcements of recent days. Given the removal of the sales tax on cars, along with the reduction in the sales tax in general, along with the homeowner grants and along with the gas price freeze—which are all going to lose their force and effect six months from now or in a shorter period of time—and since the increased costs of electricity are not going to be imposed upon the people of the province until six months from now, would the Premier indicate how he can defend himself against the charge, which I now put to him, that his policies are the crassest kind of political opportunism?

**Mr. Deans:** Tell us about politics; tell us something about politics.

**Mr. Lewis:** I don't know how the Premier did it. To this day I don't know how this is happening. I will never understand how this is happening.

**Mr. Speaker:** Order, please.

Interjections by hon. members.

**Hon. Mr. Davis:** Mr. Speaker, if the Leader of the Opposition, in his total response to all the things his friends in Ottawa have done in the past few days—

**Mr. R. F. Nixon:** All the government is doing is tiding itself over until the election.

**Hon. Mr. Davis:** —and the very responsible approach taken by the Treasurer today and on April 9, and what this government has been trying to do with inflation in the economy—

**Mr. Sargent:** Why doesn't the Premier bring the member for Haldimand-Norfolk (Mr. Allan) down to the front row?

Interjections by hon. members.

**Hon. Mr. Davis:** —if as his response he wishes to term that as being crassly political, so be it.



**Mr. R. F. Nixon:** Sure it is!

**Hon. Mr. Davis:** I only say to him that his problems, as I see them emerging, are going to result from that very immature lack of policy, lack of leadership, lack of intestinal fortitude that he and his colleagues have demonstrated in this past five or six months.

To answer the question very simply, Mr. Speaker—

**Mr. Reid:** Call an election.

**Hon. Mr. Davis:** —this government operates in the interests of the people of this province. If anybody is practising crass politics, it's those people across the House

**Mr. R. F. Nixon:** A supplementary question, Mr. Speaker.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** We are glad to know the Premier's government operates in the best interest of the people. Why was it not operating in the best interest of the people until this budget; and why would it not be operating after this six-month period? Surely the establishment of a more buoyant economy has to be something more than over a very short period in which the Premier is intending to call an election?

**Hon. Mr. Davis:** What is the question?

**Mr. R. F. Nixon:** Why doesn't the Premier call the election now? Because we're ready.

**Mr. Lewis:** No, don't. Wait another two months and there'll be nothing left of the Liberals.

**Hon. Mr. Davis:** For once the leader of the NDP is right.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** I don't want to gain comfort from what is happening to the NDP.

**Mr. Speaker:** Order, please.

**Mr. R. F. Nixon:** Why doesn't the Premier call an election on the basis of this, if he is prepared to go with a six-month Band-Aid approach to our problems?

**Hon. Mr. Rhodes:** Have a leadership convention and make it interesting.

**Mr. Speaker:** Order, please. Is there an answer to the question? If not, does the hon. leader have further questions?

**An hon. member:** It's hurting.

**Mr. D. M. Deacon (York Centre):** It will hurt the government.

## HOUSING PROGRAMMES

**Mr. R. F. Nixon:** Since the statement was made by the Treasurer—he may want the Minister of Housing to respond to this—I would like to ask the Treasurer how he accounts for the fact that these, let's say reinforcements of housing initiatives, are reported in the back of this statement as costing us no new tax dollars at all? Are they going to be largely funded by that inadequate additional sum of money which comes from the federal government, that is about \$524 million? It says here in the initial budget, I think, that the housing costs for the province are going to be the sum of \$181 million, and under the revised estimate it's still going to be \$181 million; is this concealed elsewhere in the budgetary change?

**Hon. Mr. McKeough:** I think if the member will look at page 6, he will see the direct cost to the province is about \$30 million this year with a full-term commitment of \$203 million, a good chunk of it coming in the next fiscal year and the years thereafter. In addition to that, there are other commitments under other housing programmes totalling another \$100 million, I think. Then we expect, and I think have every right to expect, that the mortgage interest subsidy under the OHAP projects—

**Mr. Sargent:** Will the Treasurer take those marbles out of his mouth and speak up?

**Hon. Mr. McKeough:** —will generate and bring in something like \$360 million from the private sector. But to answer the member as to whether any of it coming from Ottawa; no, nothing.

**Mr. Speaker:** Supplementary, the member for Scarborough West.

**Mr. Lewis:** Supplementary, if I may: Perhaps the minister could explain that \$10-million figure for 1975-1976 on page 6 a little more closely? Is the minister saying that the \$30 million reflects none of the additional federal money—the \$200 million which was announced in John Turner's budget?

**Hon. Mr. McKeough:** Yes.

**Mr. Lewis:** May I then ask what obviously follows from that. Whatever amount of the \$200 million Ontario gets—presumably \$60 or \$65 million, whatever it may be—that will be

spent in addition to the \$30 million or is absorbed in existing programmes; where does it figure into these calculations?

**Hon. Mr. McKeough:** I suggest the member might ask the Minister of Housing, but it was my understanding that the \$50 million \$60 million or \$80 million, or whatever it is, is absorbed in existing programmes and this is in addition to it.

**Mr. R. F. Nixon:** If I might direct a similar question to the Minister of Housing: Since the book put before us by the Treasurer indicates an overall provincial commitment of \$181 million, how much money will the minister be spending in his overall programme, and how much additional money will be available? Is it in the approximate area of about \$540 million that comes from the federal government, with \$181 million from this government?

**Hon. D. R. Irvine (Minister of Housing):** Mr. Speaker, I don't know where that figure of \$540 million from the federal government comes from. I hope that does come about. Right now we have \$442 million from the federal government, which is less than what we have budgeted for. Our budget—

**Mr. R. F. Nixon:** Plus \$60 million.

**Hon. Mr. Irvine:** Well, we don't know about the \$60 million yet.

**Mr. R. F. Ruston (Essex-Kent):** The minister is holding it, that is all he is doing.

**Mr. R. F. Nixon:** It is going to be coming; I think the Treasurer just said \$60 million to \$80 million.

**Hon. Mr. Irvine:** I wouldn't trust the federal government any day of the week.

Interjections by hon. members.

**Mr. Speaker:** Order please. The hon. minister has the floor.

**Hon. Mr. Irvine:** When I find those funds are specifically allocated to Ontario, fair enough; but right now we don't know—

Interjections by hon. members.

**Mr. Speaker:** Order, please. Order.

**Hon. Mr. Grossman:** They don't want to hear the answer.

**Hon. Mr. Irvine:** Mr. Speaker, under ordinary circumstances, the federal government would allocate to Ontario possibly \$50 million or \$60 million.

**Mr. Singer:** That is not in here, is it?

**Hon. Mr. Irvine:** I am not saying these are ordinary circumstances in this particular year. Apparently they aren't, because they have shown no priorities to Ontario in regard to housing.

What we are doing in this particular statement is indicating we will furnish funding for the 4,000 senior citizen units that would not have been allowed to be built this year because of lack of federal funding.

We are also providing funding for an additional 2,000 rental accommodations directly, the figure here is \$50 million. The call will be going out shortly. That is in addition to the two calls we already have out, which have involved \$90 million from the Province of Ontario and have nothing to do with the federal government. We are also going out for another 4,000 additional rental units by indirect subsidy, hoping we can have the lending institutions provide us with a total amount of \$460 million which we have to have in this particular fiscal year. If we do all this, we are alleviating a real problem in rental accommodation—

**Mr. Haggerty:** Get out and build the houses.

**Hon. Mr. Irvine:** —plus the fact that we have said in this statement that we are proceeding with 9,000 OHAP units which wouldn't have gone ahead ordinarily without this particular financing being made available.

**Mr. Lewis:** It won't cost them anything.

**Mr. R. F. Nixon:** A supplementary, Mr. Speaker: Surely the minister, if he is going to be fair to the people of this province, who are as concerned about the inadequacies of the housing programme as anyone is, must have asked the Treasurer or is prepared to make a statement himself as to how the additional \$50 million to \$60 million to \$80 million—the figure the Treasurer used was \$80 million—from the federal government is going to be used to back up a programme of housing with some initiatives or reinforced initiatives here? After all, that is \$60 million federally and \$30 million from the province, and under those circumstances surely we should expect a fuller explanation.

**Hon. Mr. Irvine:** Mr. Speaker, I guess the problem is the hon. Leader of the Opposition hasn't had time to study the statement.

**Mr. Singer:** Ah, come on.

**Hon. Mr. Irvine:** Now let me try to explain it to him if I can.

**Mr. R. F. Nixon:** All I know is the minister has ignored the federal participation of \$60 million.

**Hon. Mr. Irvine:** Let me try and explain it to him. I am going to take a little time with this, because obviously he doesn't understand the problem. The problem is that the federal government has not given us any funds as far as this province is concerned. We have asked them for \$390 million and have received zero as of today.

**Mr. R. F. Nixon:** The minister has \$470 million.

**Hon. Mr. Davis:** Oh, the Liberal leader should stop apologizing.

**Hon. Mr. Irvine:** What we want to do is to provide the financing to make sure we have rental accommodation across Ontario. The 4,000 units I mentioned are going straight across the Province of Ontario, the other 2,000 are in the low vacancy area; and those are both rental accommodation. We still have to provide senior citizen and family accommodation. Now what we are doing is, the Province of Ontario has recognized very clearly that there is a need for housing where the federal government has not, and never will I guess.

**Mr. Haggerty:** Build the houses.

**Hon. Mr. Irvine:** So what we are saying is, we are taking action to make sure the programmes we have started will be implemented and the people of Ontario will still have the best housing conditions in all of Canada.

**Mr. Speaker:** The hon. member for Scarborough West.

**Mr. Lewis:** I don't have a supplementary, but I do think that the Legislature does deserve an explanation of the apparent disparity in the figures.

**Hon. Mr. Irvine:** In what way?

**Mr. Lewis:** The minister's original estimate for housing was \$181 million. His revised estimate, on the basis of the Treasurer's statement today, is \$181 million.

**Mr. R. F. Nixon:** That is what it says.

**Mr. Lewis:** Yet on page 5 he says, "This will require additional provincial spending of some \$30 million this year." That \$30 million

is nowhere reflected in the financial statements appended to the budget—

**Hon. Mr. Irvine:** Sure it is.

**Mr. Lewis:**—nor is any of the additional federal money which he knows he will get. Or has he already offset the provincial expenditures with the additional federal money and failed to say so anywhere in the budget? How does the minister explain it?

**Hon. Mr. Irvine:** Mr. Speaker, it's very easily explained. The \$25 million we're talking about for senior citizens is this year's provincial funding; \$55 million for next year to enable us to—

**Mr. Lewis:** So it was already in the \$181 million?

**Hon. Mr. Irvine:** Let me finish.

**Mr. Lewis:** That depends. It was already there.

**Hon. Mr. Irvine:** Let me finish, I said. The \$55 million for next year was to enable us to build the 4,000 senior citizen units which we wouldn't have been able to build because of lack of federal funding. The \$5 million is from our programme for limited dividend rental accommodation which is in our budget. That's \$30 million.

**Mr. Lewis:** Why isn't it here?

**Hon. Mr. Irvine:** The total provincial commitment—and this is what we have to look at—is a total overall commitment of \$205 million, which is a very significant contribution to housing in Ontario.

**Mr. Lewis:** Where does the minister get that figure?

**Hon. Mr. Irvine:** Just look at the statement.

**Mr. Speaker:** Are there any further questions by the Leader of the Opposition?

**Mr. R. F. Nixon:** I think we have to pursue this to some extent. I have a further question of the same minister. Since it appears he is dealing with an overall budget of about \$680 million for housing—about \$500 million from federal sources; \$181 million from provincial sources—how can the minister account for the fact which came forward in this mini-budget, that he was going to accomplish only the 90,000 starts predicted in April even with these additional funds? Is he, as Minister of Housing, prepared to substantiate and guarantee the starting of 90,000 dwellings in this



province this year when he is substantially below that level now?

**Hon. Mr. Irvine:** Mr. Speaker, first of all I think we have to recognize that the Province of Ontario, the government of Ontario, is not responsible and should not be responsible for building all the housing units in Ontario. We think and we say that the private sector has to supply the majority of the units.

**Mr. R. F. Nixon:** But the government hasn't done very much in this budget.

**Hon. Mr. Irvine:** The figures will prove, when I'm through with my statement, that by the end of this year we will have accomplished a great deal as far as the government is concerned.

**Mr. Haggerty:** Not with 90,000 units projected.

**Hon. Mr. Irvine:** There's been much more government participation in housing than ever before. The Province of Ontario has put more money into housing and has started more units than ever before. We are down in starts because the private sector has not had assurance from the federal government that there would be a good economy nor that they will have finances to be able to build themselves nor that people will be lined up to have home ownership. That is where the problem is. If we had a good federal government we would have a good economy.

**Mr. Singer:** That record is worn out.

**Mr. R. F. Nixon:** Or a good provincial government.

**Mr. Speaker:** Are there any further questions by the Leader of the Opposition?

#### COMMITTEE ON EDUCATION COSTS

**Mr. R. F. Nixon:** I would like to put a question to the Minister of Education. Since we are concerned about government costs, whatever happened to those reports from the committee on education costs which was established in April, 1971? Why is he sitting on them? Why are they not tabled so that we would know what the committee recommends to cut education costs since surely this is a matter of some concern in this budget pertaining to that?

**Hon. Mr. Wells:** Mr. Speaker, I think my friend has asked this question several times

and I've answered it. I'll answer it very briefly for him again.

**Mr. R. F. Nixon:** Yes, but he hasn't tabled the reports.

**Hon. Mr. Wells:** He's had four of the reports tabled.

**Mr. R. F. Nixon:** There are seven.

**Hon. Mr. Wells:** He has seen those. I have the fifth report. It is being printed and it will be tabled as soon as it is finished and back from the printers. That is being done as quickly as possible.

The other reports are not in my hands and have not been received from the committee, Mr. Speaker. Until I receive them I cannot table them. As soon as I receive them they will be printed and tabled.

**Mr. R. F. Nixon:** As a supplementary question: Since the cost of this committee since it was established just before the last election is about \$670,000 and, according to the minister, the committee is no longer functioning, what is happening to those reports? Why aren't they made available so that the House and perhaps the minister could do something about their recommendations to reduce the costs of education?

Is the minister not also aware that he gave me the same answer two months ago, he said it was still at the printers? How long is that going to suffice as an answer?

**Hon. Mr. Wells:** Mr. Speaker, it is a very sizable report and it will be available very shortly. I would just say to my friend I think this government has done many things to reduce the costs of education in the last couple of years, in the interval since that committee has been meeting, and I haven't heard anything come from the lips of my friend across the way that would reduce the costs of education in this province, except to take the ceilings off education spending.

**Mr. R. F. Nixon:** A supplementary: Is the minister not aware of our recommendation that he do away with his regional offices as a way to cut out the hierarchy that he himself has established at a cost of \$50 million? Why doesn't he do that? Why doesn't he listen to our recommendations?

**Hon. Mr. Wells:** Mr. Speaker, I don't think my friend even realizes what is happening to our regional offices—and I hope that the people of the various areas where these regional offices are located will remember that the Leader of the Opposition has said

these offices should be done away with, including the office in North Bay and the office in Kitchener.

**Mr. R. F. Nixon:** All they do is represent the minister on the school boards. Send them all a memo and tell them we are going to close them when we get into power.

**Mr. Speaker:** Order, please.

**Hon. Mr. Wells:** We put our regional offices on flat-line budgeting two years ago. They are not spending a cent more this year than they spent last year, and that includes any inflationary costs being borne by those offices. My friend is saying the service those offices give to the local school boards is negligible and he is saying that they can be done away with; I hope the boards in those areas pay attention to that. I still challenge him to tell me where he has suggested a programme to cut costs at the local school board level. All he has ever said is—

**Mr. R. F. Nixon:** I am talking about the ministry's costs.

**Hon. Mr. Wells:** The committee on the costs of education is talking about the local school board level. All the member has ever said is: "Remove the ceilings," and we reject that.

**Mr. R. F. Nixon:** They ought to be looking at the ministry's costs.

**Mr. Speaker:** Any further questions?

### SPENDING REVISIONS

**Mr. R. F. Nixon:** With your permission, Mr. Speaker, now that the Treasurer is back in his place: Is the reduction of \$35 million on land purchases and a reduction in certain regional priority spending going to have an impact on the government's plan to develop the industrial park at Edwardsburgh? Is that one of the areas with which the government is not going to proceed?

**Hon. Mr. McKeough:** Mr. Speaker, there was no money in this year's budget, nor do I think there would be money in the budget for the next couple of years to develop Edwardsburgh. That's a question of property acquisition, that is going to be up to each ministry to determine.

**Mr. R. F. Nixon:** What land purchases are going to be cut out that have been budgeted for?

**Hon. Mr. McKeough:** Specifically?

**Mr. R. F. Nixon:** Yes, within the \$35 million.

**Hon. Mr. McKeough:** That would be up to the ministries to sort out; to slow the whole thing down.

**Mr. Speaker:** Any further questions?

**Mr. J. E. Stokes (Thunder Bay):** A supplementary.

**Mr. Speaker:** The member for Thunder Bay.

**Mr. Stokes:** Yes, on page 9 of the Treasurer's statement there is a portion which says: "We are postponing \$11 million of regional priority spending." Is that in northwestern Ontario, or where is it in the province?

**Hon. Mr. McKeough:** I would suspect the bulk of it would be in northwestern Ontario, but some of it would be in eastern and northeastern Ontario.

**Mr. Stokes:** Can the Treasurer give us the particulars of that reduction?

**Hon. Mr. McKeough:** Not yet, Mr. Speaker. I think it's mainly a question of stretching out. There are a couple of things which we had originally counted on but which haven't come ahead quite as quickly. I haven't got all the details yet, but as soon as they are available I will make them known to the members.

**Mr. Stokes:** Will the Treasurer assure the House and the people in northwestern Ontario that this \$11 million cut won't stop the much-needed expansion and provision of services for those new communities?

**Hon. Mr. McKeough:** It may delay that somewhat, Mr. Speaker, I would have to say that.

**Mr. Lewis:** Supplementary: Of all the places to cut in a budget, surely the infrastructure of the smaller communities of northern Ontario is not the place to start? If most of the \$11 million is going to hold back projects in the northwest and northeast, how much assault can the government direct on the north? Has the Treasurer no specifics in mind? Has he no projects he can indicate? Surely the north has a right to know, having counted on the Design for Development to proceed?

**Mr. Stokes:** The private sector is depending on it.

**Mr. Lewis:** That's the wrong place to make cuts in a budget—northern Ontario.

**Mr. Speaker:** The hon. member for York Centre.

### PICKERING AIRPORT

**Mr. Deacon:** Would the minister indicate if the cut in services includes the services proposed for around the new Pickering airport?

**Hon. Mr. McKeough:** Which services?

**Mr. Deacon:** The services proposed to service the new Pickering airport.

**Hon. Mr. McKeough:** To my knowledge there was nothing anywhere in the 1975-1976 estimates for services to the Pickering airport. It will be very difficult to cut it out if there is nothing there as yet. Even a Liberal economic critic should be able to understand that. In Ottawa, they made a big fuss about cutting out millions that weren't there. That's another Liberal policy. I knew we'd get another. The way to cut expenditures is to cut out things that weren't there.

Interjections by hon. members.

**Mr. Speaker:** The member for Scarborough West.

### MORTGAGE FUNDS FOR HOUSING

**Mr. Lewis:** I'm not sure the Treasurer should be permitted to enjoy this any more by answering further questions.

I'd like to ask him why he has started with the chartered banks as a way of rounding up additional mortgage money, when his ministry's own appended paper shows the serious drop in mortgage investment has been on the part of the life insurance companies? Where are the life insurance companies on the Treasurer's list; and what exactly is he asking these lending institutions to commit themselves to when he meets with them?

**Hon. Mr. McKeough:** Why did we start with the chartered banks, as opposed to the trust companies or the life insurance companies, the three of which supply roughly 80 per cent of the mortgage moneys? We have no particular reason; we will be seeing them all, by the end of this week I believe, at three separate meetings.

**Mr. Lewis:** What is the Treasurer asking them? What exactly is he putting to them?

**Hon. Mr. McKeough:** First of all to see if their original commitments on financing are

holding up; and if not, why not, what the reasons are. We suspect that they are. Further, to see what more they think is available; and particularly to try and encourage them to come forward with all of the \$360 million involved in the mortgage interest rate subsidy programme, we will be looking to them for that.

**Mr. Lewis:** I see.

**Hon. Mr. McKeough:** There is no particular reason why one is first and the other is second.

**Mr. Lewis:** I understand. The Treasurer is relying primarily on the politics of persuasion to bring them into his \$360 million programme. Will the Treasurer go further if they say they are now at their limit? Will he legislate an additional percentage, say from the life insurance companies whose investment has declined so drastically?

**Hon. Mr. McKeough:** Mr. Speaker, I really don't think that when my friend the member for Scarborough West, thinks about that even viewing it through the myopic eyes of a socialist—that he would think that would make great good sense. I really don't think he does. Just think about it for a little while.

**Mr. Lewis:** Given the starry eyes of a Tory, just suppose his glancing gleams with the insurance companies or the banks fail to bring forth any additional revenue—it is entirely possible they are lending at maximum now—then what does he do? Is he not discussing that with them as well?

**Hon. Mr. McKeough:** Mr. Speaker, I think the member will recognize, when he thinks about it again, the banks, a number of the trust companies and most of the insurance companies are federally-chartered institutions and not under our control. So think about that.

**Mr. Lewis:** All right. We could legislate one day, perhaps.

**Mr. Speaker:** The member for Grey-Bruce, a supplementary question?

**Mr. Sargent:** Supplementary: If the chartered banks—

Interjection by an hon. member.

**Mr. Speaker:** Order please; a supplementary here.

**Mr. Sargent:** If the chartered banks are the place of last resort for the Treasurer, in view of the fact that he has raided the pension



fund, the teachers' fund, the municipal employees' fund, the federal-provincial employment fund—he has tapped these funds to the amount of \$1.2 billion, which could be called illegally done—what is the off-setting factor when in the next few years the net provincial cash flow from the Canada Pension Plan is finished, what is the Treasurer going to do then?

**Hon. Mr. McKeough:** That's a number of years away, Mr. Speaker.

**Mr. Speaker:** Further questions; the member for Scarborough West.

**Mr. Sargent:** Mr. Speaker, I didn't hear what he said.

**Hon. Mr. McKeough:** It is a number of years away.

**Mr. Sargent:** How many years away?

**Hon. Mr. McKeough:** Roughly 1985.

**An hon. member:** It's Monday. The member for Grey-Bruce is not supposed to be here.

**Mr. Speaker:** Order please, this is not a debate. The question has been asked and the answer given. The member for Scarborough West.

**Mr. Sargent:** Mr. Speaker, the Treasurer has given us a mini-budget here today and I want some news on it.

**Mr. Speaker:** Order please. The member may ask a new question if he wishes in a few moments.

**Hon. Mr. Rhodes:** Read the Globe.

**Mr. Speaker:** The member for Scarborough West.

#### INTEREST SUBSIDY PROGRAMME FOR HOUSING

**Mr. Lewis:** Mr. Speaker, can the Minister of Housing explain a little further the interest subsidy to the mortgage lenders?

**Hon. Mr. Irvine:** Mr. Speaker, our proposal is to have the interest rate at approximately 10½ per cent, rather than the conventional 11½ and 11¾ per cent. The lender will be financed directly by ourselves on the differential, whatever it may be. Then the owner of the home will receive a cheque directly on their mortgage payments as a rebate, which we estimate at the present time

will be somewhere around \$35 to \$40 per month.

**Mr. Lewis:** What does the minister mean, they will receive a cheque? Does he mean he is going to send—

**Hon. Mr. Irvine:** To the lending institutions.

**Mr. Lewis:** Who will send the cheque to the owner of the home?

**An hon. member:** Premier Davis.

**Hon. Mr. Irvine:** The lending institution.

**Mr. Lewis:** They will send the cheques to the owners?

**Hon. Mr. Irvine:** Yes.

#### SUPPLEMENTARY ACTIONS TO BUDGET

**Mr. Lewis:** May I ask of the provincial Treasurer, apart from the politics of it, why is he sending out the cheques from government to those who purchase cars before the end of this year? Why was it not possible simply to remove the sales tax?

**Mr. Good:** Darn good idea.

**Mr. R. S. Smith (Nipissing):** The cheques go out over the Premier's name.

**Hon. Mr. McKeough:** There were a couple of reasons. The experience of the automobile companies—the member really should ask the Minister of Revenue (Mr. Meen) the answer to this question.

**Mr. Lewis:** No, no, I would really like to hear it from the Treasurer. I would like to hear it from him—

**Hon. Mr. Rhodes:** I am going to deliver mine, I don't know about the Treasurer.

**Mr. Lewis:** —all of the panache and the flourish that he brings to those answers. Let him talk to me about my ND socialism.

**Hon. Mr. McKeough:** It does not, of course, apply to all cars, only to new cars, as the member is aware.

**Mr. Lewis:** Yes.

**Hon. Mr. McKeough:** There are some cars and some vehicles to which it does not apply.

**Mr. Lewis:** Why is the Treasurer writing out those cheques?

**Hon. Mr. McKeough:** Just for those administration reasons; and it will be very easy, with a three or four part form, to send it out.

**Mr. Shulman:** Why is the government sending out the cheques?

**Hon. Mr. McKeough:** For some of the same reasons the automobile companies chose to do so on their very successful rebate plan.

**Mr. Shulman:** Supplementary.

**Mr. Speaker:** Supplementary, the member for High Park.

**Mr. Shulman:** If I may quote from page 13 of his budget, can the Treasurer estimate how many of his "staff" it will take to administer this new rebate plan, "with its incredible rebates, forms and complexity"? It's slightly out of context.

**Hon. Mr. McKeough:** I will be delighted to answer that question: Not one.

**Mr. Sargent:** He is over-staffed now.

**Mr. Shulman:** A further supplementary, if I may: Is the Premier going to personally deliver the cheques? Is that how they are going to manage it?

**Hon. Mr. Davis:** I like to keep busy and I would be delighted to visit as many people personally as I can in this province over the next few months, but that really isn't part of my plan. I have to say no, I don't think we'll do it in that way.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** A supplementary: I take it if I understand it then, that the answer for the consumers of Ontario to the increase of 10 cents a gallon federal excise tax is one of two routes; either buy a new car by the end of 1975, or more wine or imported liquors? That's the government's answer to the 10 cent excise tax.

**Mr. Deans:** Drink more wine.

**Mr. C. E. McIlveen (Oshawa):** The auto workers will like it.

**Hon. Mr. McKeough:** Mr. Speaker, the answer to the 10 cent excise tax apparently is going to be longer in coming. It's going to be three years before there is another general election and then we will kick the rascals out. We've tried, but we will.

Interjections by hon. members.

**Hon. Mr. McKeough:** In this budget we are not by any stretch of the imagination able to undo the damage and the havoc which was done by the opposition's friends' budget on June 23. We can't do that and we are not trying to do it.

Interjections by hon. members.

## HEALTH MINISTERS' MEETING

**Mr. Lewis:** One last question of the Treasurer: Has the Minister of Health (Mr. Miller) yet informed him, in view of what he said in his budget statement, that when certain of the health ministers in western Canada—you can guess their affiliation, Mr. Speaker—were asked to come to this special Health Ministers' meeting which the government would like to arrange, it was communicated to the Minister of Health here that they would not be used for this government's political purposes and that the meeting will be held, as it was supposed to be held, in September in Victoria? Does the Treasurer realize that yet? No?

**Hon. Mr. McKeough:** Mr. Speaker, concerning the Minister of Health, I have had no communication with him. I talked to him at the end of last week—

**Mr. R. F. Nixon:** The Minister of Health is—

**Hon. Mr. McKeough:** —and suggested to him that the Premier felt it would be a good idea for the Ministers of Health to get together, and he agreed; and that's as far as the discussion has gone. Perhaps there's some sort of a Liberal-Socialist coalition developing out west; is there? I don't know.

**Mr. Lewis:** I gather that is coming.

**Mr. Speaker:** The member for Carleton East.

**Mr. Lewis:** Not out west—we are working on the minister from Alberta.

**Hon. Mr. McKeough:** You know, part of our conviction in this area—I don't think we really wrote this section until after we heard that great speech by the former, former leader of the New Democratic Party—

**Mr. Lewis:** That's right, that's right. That's nice of the Treasurer.

**Hon. Mr. McKeough:** —who really rammed it home to the Crips like I've never seen anybody do it. Would we had that eloquence.

**Mr. Lewis:** Except the Treasurer then decided in this budget, as I understand it, to opt out of all future shared-cost projects.

**Mr. Speaker:** The member for Carleton East with a question.

#### ENERGY PRICES

**Mr. P. Taylor (Carleton East):** Thank you, Mr. Speaker. In the absence of the Minister of Energy, I wonder if the Premier would consider this question? Because the 90-day freeze affects only domestically-produced oil and gasoline—

**Mr. G. Nixon (Dovercourt):** Here it comes.

**Mr. P. Taylor:** —and because the part of Ontario that lies east of the Borden line is supplied by the higher-priced offshore product—

**Hon. Mr. Handleman:** Read the Act, read the Act.

**Mr. P. Taylor:** —is the government doing anything to assure continued supply east of the Borden line by refineries in Montreal, which will receive higher revenues in Quebec and the Maritimes?

**Hon. Mr. Rhodes:** Signed "John Turner."

**Hon. Mr. Handleman:** Has the member tried reading the bills?

**Hon. Mr. Davis:** I am delighted that at least the member for Carleton East communicates with the minister responsible for energy in Ottawa and probably the Minister of Finance. If he wants to take back a reply to them, let him tell them we'll do one heck of a lot better job of looking after supply and price in this province than they have done in the past 10 days.

**Mr. R. F. Nixon:** The Premier is getting paranoid.

**Hon. Mr. Davis:** I'm not paranoid. It is the truth.

**Mr. R. F. Nixon:** He is. At the same time, he is irresponsible. He is paranoid.

Interjections by hon. members.

**Mr. Speaker:** Order, please. Supplementary from the member for Carleton East.

**Mr. P. Taylor:** Can the Premier leave aside the election rhetoric and tell us whether he has an assurance from the refineries in Montreal that they will continue to supply the

area in Ontario east of the Borden line, given the fact that western Quebecers will be streaming across the border to get the advantage in price?

**Hon. Mr. Davis:** Mr. Speaker, we expect our policy and our legislation to have application throughout the total province, yes.

**Mr. R. F. Nixon:** There are spirits under every table.

**Mr. Speaker:** The member for Wentworth.

#### STONEY CREEK, SALTFLEET TOWNSHIP BUDGETS

**Mr. Deans:** Can the minister in charge of municipal affairs inform the House whether the ministry approved of or investigated the budgets of the town of Stoney Creek and the township of Saltfleet for the 1974-1975 fiscal year?

**Hon. R. B. Beckett (Minister without Portfolio):** Mr. Speaker, the council of the town of Stoney Creek sent delegations in and met with both myself and senior ministry officials on two occasions in an attempt to work out the problems that the municipality had. I think they have done a very good job, considering the problems that they inherited with staff in the past, and I think they are to be congratulated on holding their tax rate as well as they did.

**Mr. Deans:** I appreciate that, but the minister didn't answer my question. What I asked was, did the ministry review the budgets of the town of Stoney Creek and the township of Saltfleet in the fiscal year 1974-1975?

**Hon. Mr. Beckett:** Mr. Speaker, the answer is yes.

**Mr. Deans:** Supplementary question then: could it be that if the ministry reviewed those budgets an error of over \$500,000 could have slipped by?

**Hon. Mr. Beckett:** Mr. Speaker, the error that the hon. member is talking about was a combination of an under-estimation of government grants and a complete forgetting of a particular contribution that the municipality would have to make. The municipality has now corrected its staff problems.

**Mr. Deans:** One more supplementary question: What is the purpose of the Ministry of Municipal Affairs or the department of municipal affairs or whatever one wants to call it, reviewing the budgets if a \$500,000 error can slip by and it can then be added



on to the following year's revenue requirements and thereby become an imposition on the taxpayers? Why does the ministry review the budgets in the first place, or if it does review them, is there any conscious effort to determine whether the municipality is deriving the kind of revenue it expects and spending the money in the proper way?

**Hon. Mr. Beckett:** Mr. Speaker, the budget of the municipality itself is not scrutinized by the ministry. This is the responsibility of the locally elected councillors to do and to set their tax rate. If they have any difficulties, we are very glad to try to help them but it is a responsibility of the locally elected councillors to set their own budget.

**Mr. Deans:** I must ask one other question because he is now telling me something different.

**Mr. Speaker:** We have had four supplementaries now. The time is just about out and there are many more people who wish to ask questions. The member for Windsor-Walkerville, first of all.

#### WINDSOR PROVINCIAL PUBLIC BUILDING

**Mr. B. Newman (Windsor-Walkerville):** Mr. Speaker, I have a question of the Minister of Government Services. Can the minister inform the House as to whether the ministry has plans sufficiently in progress to enable him to call for tenders on the provincial public building that has been announced by the provincial Treasurer here this afternoon?

**Hon. J. W. Snow (Minister of Government Services):** Yes, I have.

**Mr. B. Newman:** When does he plan on calling for tenders?

**Hon. Mr. Snow:** In the month of August.

**Mr. R. F. Nixon:** He has just discovered how essential these buildings are.

**Hon. Mr. Snow:** Is that fast enough?

**Mr. Speaker:** The member for Thunder Bay.

#### PULP AND PAPER COMPANY EXPANSIONS

**Mr. Stokes:** Can the provincial Treasurer assure the people of northwestern Ontario that the \$250-million expansion of Kimberly-Clark will not be delayed as a result of

announcements today in this budget? Can he further assure the people in the Dryden-Ear Falls area that the \$200-million to \$350-million expansion by the Reed Paper Group will not be delayed as a result of this announcement today?

**Hon. Mr. McKeough:** Yes, Mr. Speaker, I am sure I can, with almost complete certainty, give that commitment to the hon. member.

**Hon. Mr. Davis:** The member for Thunder Bay is a great free enterpriser.

**Mr. Speaker:** The member for Grey-Bruce.

#### ONTARIO LOTTERY

**Mr. Sargent:** Mr. Speaker, a question of the Premier; it's important we have his views on this because we can't seem to get hold of the Minister of Culture and Recreation (Mr. Welch) with regard to the \$40-million revenue he hopes to get from the Wintario lottery. In view of the fact that, according to the press, some of these 37 distributors we have here are making about \$15,000 per month on top of the \$100,000 they get from the Olympic lottery, I'd like to ask the Premier what commitment he has made to the people that he could not say give this to the local service organizations to run locally, to have the money for their own recreation programmes locally?

**Hon. Mr. Davis:** Mr. Speaker, I am not that familiar with all the details of the lottery. I am sure the Minister of Culture and Recreation will be delighted to answer the question of the hon. member. I understand his estimates were before the House and concluded on Thursday and I am sure the hon. member had every opportunity to get an explanation.

**Mr. R. S. Smith:** The estimates were not in the House.

**Mr. Good:** The question was asked but he didn't answer.

**Mr. Sargent:** A supplementary question, Mr. Speaker: Why don't those fellows know what the hell is going on over there?

**Mr. Speaker:** It doesn't sound supplementary.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Sargent:** In view of the fact that other lotteries are paying 45 per cent in prizes, this government is paying only 40 per cent, and is paying these guys about a quarter of a million dollars a year to collect it.

**And hon. member:** Question.

**Mr. Sargent:** What kind of hold have they got?

**Mr. Speaker:** The member for Wentworth.

## MUNICIPAL BUDGET REVIEWS

**Mr. Deans:** Mr. Speaker, I have a further question of the Minister without Portfolio in charge of municipal affairs. Does the municipal subsidies branch review the expenditures of a municipality prior to approving the level of subsidy? Can he explain to me why, in answer to my first question, he said they did review the 1974-1975 budget while in the supplementary he said they don't review them? Could he be consistent and tell me exactly the process?

**Hon. Mr. Beckett:** Yes, Mr. Speaker. I replied we had reviewed the budget because of the fact that the municipality had come in and asked for assistance on its financial difficulties. That is the time when the 1974-1975 budget was reviewed and it was examined.

**Mr. Deans:** A supplementary.

**Mr. Speaker:** All right, one supplementary.

**Mr. Deans:** Is it not true that the municipal subsidies branch reviews the budget in order to determine the appropriate level of subsidy applicable to that municipality? If it does, how could it have missed a \$500,000 error?

**Mr. Speaker:** I think that question was asked and the answer was given. The member for Waterloo North.

**Mr. Deans:** It wasn't answered.

## DISPOSAL OF KITCHENER BUILDINGS

**Mr. Good:** Thank you, Mr. Speaker. A question of the Minister of Transportation and Communications regarding disposal of the buildings on land expropriated by the Kitchener Stock Yard Co.; I sent the inquiry to his parliamentary assistant last week. Two questions: Would the minister give me the terms of the sale of these buildings to Teperman and, secondly, when there was such

widespread interest by the farmers in the area to buy these barns by auction or tender, why did he not sell directly to the farmers rather than to Teperman? Now they have to buy them back from Teperman.

**Hon. Mr. Rhodes:** Mr. Speaker, I am not familiar with that particular transaction. I will be pleased to get the information and respond to the hon. member.

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

## GASOLINE PRICES ON HIGHWAY 401

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, a question of the Premier regarding his recently acquired interest in gasoline prices: What justification is there for the excessive prices of gasoline on 401, namely, 82.9 cents for regular gas, when approximately 75 cents is the usual price throughout southern Ontario and in Toronto one can get regular gas for as little as 68.9?

**Mr. Deans:** Where?

**Some hon. members:** Where?

**Hon. Mr. Davis:** The hon. member asked a question for all of us; where? In Scarborough? Off we go.

I'll look into that, Mr. Speaker. I have been told that gas prices on 401 and, I guess, at the few stations on 400 sometimes are higher than in some of the communities not too far distant. I will check with the Minister of Energy and with the Minister of Consumer and Commercial Relations and see if we can have some answer for him. I think he'll find, though, that it is not that unusual but I'll look into it for him.

**Hon. Mr. Grossman:** There's been a great variation in prices in Metro for years.

**Mr. Speaker:** The member for Nipissing.

## SPENDING REVISIONS

**Mr. R. S. Smith:** I have a question of the Treasurer regarding the statement on page 9, about which he was questioned previously; that is, the postponement of \$11 million of regional priority spending.

Since the Treasurer has not announced his Design of Development for northeastern Ontario, and since he said earlier today that there will be cuts in some programmes in northeastern Ontario—and the only place left for him to cut being in the Dominion-provin-

cial agreement under DREE—I would ask how much money is being cut out of the DREE programme and whether any DREE moneys will be left in this year's budget and available from the province, matched by the federal government, to go into northeastern Ontario this year?

**Hon. Mr. McKeough:** I am afraid that is something I simply can't answer at the moment, but the regional priority budgets do include more than just DREE.

**Mr. R. S. Smith:** Yes, but they don't include more than just DREE in northeastern Ontario, where the Treasurer has not as yet brought in his Design for Development, which was promised by him 3½ years ago.

**Hon. Mr. McKeough:** I am sorry; I think there are regional priority items in northeastern Ontario separate and apart from DREE, but I could be wrong.

**Mr. Speaker:** The member for Scarborough West.

#### UNEMPLOYMENT

**Mr. Lewis:** A question of the Treasurer: One of the re-forecasts as a result of this budget is a further job loss of some 19,000. What specific programmes does the government intend to undertake to compensate for the accelerated unemployment and its very large pool of additional unemployed?

**Hon. Mr. McKeough:** Mr. Speaker, I think this is what this statement was all about. We have taken a number of stimulative steps in the housing area. We have taken a couple of steps in the construction area, in terms of additional moneys for colleges and universities in areas of high unemployment and the five buildings. We can see our way clear to doing those things. We would particularly hope, of course, that the sales tax elimination in the automotive area would provide a strong stimulus in that particular industry and the automotive feeder industries. Beyond that, at this moment we have no further plans.

**Mr. Speaker:** The member for Essex-Kent.

#### HIGHWAY SERVICE CENTRES

**Mr. Ruston:** Mr. Speaker, a question of the Minister of Transportation and Communications: Is it true that the service outlets on Highways 401 and 400 pay a percentage of their sales—in some areas it is around 10 per cent and in others it is 20 per cent—

and is it true that this is based on their gross sales?

**Hon. Mr. Rhodes:** Mr. Speaker, there are a variety of arrangements and agreements that have been signed with the various companies that operate the service centres along Highway 401 and Highway 400. I cannot give a general percentage because it does vary. There are old agreements that are coming to a close, agreements that are halfway through and some new ones that are being negotiated. They do vary, but there are percentages involved.

**Mr. Ruston:** Supplementary, Mr. Speaker: Is it not a percentage of the gross sales, though, even if it is only seven per cent or if, as I understand it, it goes as high as 20 per cent in the new contracts in some places? I understand it is based on gross sales, so that if gas is 82.9 cents a gallon, the percentage is based on the gross sales at that price. Is that correct?

**Hon. Mr. Rhodes:** Mr. Speaker, I believe that is correct. I would like to check on it to be more accurate, but I believe that is essentially correct.

**Mr. Speaker:** The member for Scarborough West.

#### MORTGAGE RATES

**Mr. Lewis:** A question of the Minister of Housing: Will it not add considerably to inflationary pressures in Ontario for the government to pay the difference between the market interest rate and 10¼ per cent to the mortgage lenders, without putting any ceiling on the market rate which they are allowed to charge?

**Hon. Mr. Irvine:** Mr. Speaker, I don't think so at this particular time. We have considered the matter. We think we will be able to stabilize the market. I have to say, with the Treasurer and the Premier, that we will know better after we have had our meeting with the lending institutions.

**Mr. Lewis:** But, by way of supplementary, is not the government inviting the mortgage companies, the loan and trust companies and others, to maintain a very high level of interest, with a guaranteed public funding? Why was the government willing to do that for the mortgage companies, rather than by way of a tax credit to individual purchasers of homes?



**Hon. Mr. Irvine:** Mr. Speaker, I think the hon. member missed the point I was trying to make earlier, when I said there would be a rebate to the owner of the property. It probably would be every six months; I don't know at this particular time. It might be monthly or every six months; I am not sure yet. We have to work these details out; I will do that in regulations. In any event, we sincerely hope that the lending institutions will not increase their rates to 12 per cent or 13 per cent because we are subsidizing.

**Mr. Deans:** What if they do?

**Hon. Mr. Irvine:** We want the benefit to go to the homeowner; that's exactly why we are having this interest subsidy. The federal minister, Mr. Danson, tried to do something similar, and apparently couldn't get it across to his government. We think it will work, and we will have to try it.

**Mr. Speaker:** The member for Kent.

#### SAFETY HAZARD AT CPR CROSSING

**Mr. J. P. Spence (Kent):** Mr. Speaker, I have a question of the Minister of Transportation and Communications. Has the minister any control over the Canadian Pacific Railway where it has a crossing at provincial Highway 21? On one side there are brush and trees growing. There is a signal at the crossing but the public is concerned that it can't see the oncoming traffic and has brought this to my attention. The brush is hiding the view, which is a great concern. Has the minister any control over seeing that the brush and trees are removed for the travelling public?

**Hon. Mr. Rhodes:** Mr. Speaker, first of all I would say no, we have no control over the CPR. Secondly, I would think that if there is a safety hazard in this particular area and since it has been brought to my attention, I am sure we can contact the CPR and see that that obstruction is removed.

**Mr. Speaker:** The oral question period has expired.

Petitions. ..

Presenting reports.

Motions.

Introduction of bills.

#### SUPERANNUATION ADJUSTMENT BENEFITS ACT

**Hon. Mr. Winkler** moves first reading of bill intitled, An Act to provide Superannuation Adjustment Benefits to Persons in Receipt of Pensions Payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund.

Motion agreed to; first reading of the bill.

**Mr. Speaker:** Before the orders of the day, I wish to announce to the House that on Friday last the member for Wentworth raised a matter with the acting Speaker which was reserved for my decision. The member for Wentworth was concerned about the ambiguity of the phrase "special interest" in the report of the procedural affairs committee which was presented to the House on April 29 and later adopted by the House. I dealt with this matter previously on June 20, 1975.

The member for Wentworth is asking that I direct the procedural affairs committee to consider once again the definition of a bill of special interest. I have no authority to refer matters to the standing committees of this House on my own initiative. The member, or any member, if he so desires, may give notice of a substantive motion which would be dealt with in the usual fashion.

The member for Windsor-Walkerville also asked that I deal with the question of ministers being members of standing committees of this House. This matter was dealt with quite fully by Mr. Speaker Cass in the fourth session of the 28th Parliament on page 27 of the Journals. I would refer the hon. member to the last paragraph therein.

Orders of the day.

#### PETROLEUM PRODUCTS PRICE FREEZE ACT

**Hon. Mr. Handleman** moves second reading of Bill 133, An Act to provide for an interim Freeze in the Price of certain Petroleum Products.

**Mr. Speaker:** Does the minister have an opening statement?

**Hon. S. B. Handleman (Minister of Consumer and Commercial Relations):** Mr. Speaker, I would like just to add a few remarks to those the Premier (Mr. Davis) made in the Legislature on July 3. I believe he outlined in considerable detail the contents of the bill, the reasons for it and how it will operate. I

just want to add a few things to what he has already said.

This bill contains very strong measures, measures which are not the easiest for any government to take, but they reflect the outrage of the people of Ontario and the government of this province in the face of the federal budget of June 23.

I know it is too much to expect that that outrage would be shared unanimously by all members of this House, particularly because of the praise of the federal budget by at least two members—the members for Kitchener (Mr. Breithaupt) and Carleton East (Mr. P. Taylor). I assume they will stand up and oppose this bill and I regret that, but their opposition is based on blind loyalty to the Minister of Finance and the Liberal Party of Canada.

**Mr. R. F. Nixon** (Leader of the Opposition): What is the minister talking about?

**Hon. Mr. Handleman:** The federal government acted as arrogantly and insensitively as any government in the history of this country when it brought in that budget of June 23.

**Mr. R. F. Nixon:** What a ridiculous opening statement.

**Hon. Mr. Handleman:** We've reacted to it with this kind of measure. The leader of the New Democratic Party quite properly said this is not the kind of bill this government would normally bring in and he's right. I'm not particularly happy about this kind of action having to be taken but it's the kind of action that must be taken to counteract the destructive budget of June 23.

I want to express now, Mr. Speaker, my own personal disappointment in the Minister of Finance. I've been a pretty close observer of the Ottawa scene and from pretty close range.

**Mr. R. F. Nixon:** The minister has four Tories listening to his disappointment.

**Hon. Mr. Handleman:** I've watched him tiptoe through that Department of Finance, maintain his political balance, and do a tremendous job of not having to take any of the flak which usually arises as a result of a federal budget. This time he just collapsed completely. The thing that really disappoints me in Mr. Turner's performance is he didn't walk out of that cabinet room with his head held high as a private member and simply disown the measures which he brought in on June 23.

Mr. Speaker, the bill which is before the Legislature today does not pretend to solve

Canada's or Ontario's energy problems. It provides for a short term pause to enable the government to assess the situation and to examine the options for future courses of action. It's in that light that the bill should be debated.

I trust the debate will bring forth some constructive suggestions—

**Mr. R. F. Nixon:** Why is the minister taking such a ridiculous partisan stand?

**Hon. Mr. Handleman:**—because I'm going to need assistance in the administration of this Act, Mr. Speaker.

**Mr. R. F. Nixon:** Nobody is listening to him.

**Mr. Speaker:** Order, please.

**Hon. Mr. Handleman:** I expect that kind of constructive suggestion; of course we're partisan on this thing. One has to be when faced with that kind of an organization in Ottawa which really doesn't seem to care anything about the welfare of the people of Ontario.

**Mr. R. F. Nixon:** The minister must be faced with some concern about his re-election to be talking in such a ridiculous manner.

**Mr. Speaker:** Order, please. I wonder if the hon. minister would return to the principle of the bill.

**Hon. Mr. Handleman:** Mr. Speaker, I don't want anybody to feel we're going to depart from the principle of this bill; we will try to administer it as fairly and equitably as possible without imposing undue hardships on those who are most vulnerable in our society. We're firmly committed to the enforcement of the bill and, if necessary, to the imposition of sanctions on those who knowingly violate it. I'm looking forward to the debate on second reading and to any suggestions for improvement which may emanate during the course of the debate.

Thank you, Mr. Speaker.

**Mr. Speaker:** The hon. Leader of the Opposition.

**Mr. R. F. Nixon:** Mr. Speaker, I feel the minister, who has just given what you called for as an opening statement, has really abused the rules. Maybe in his windup statement he could get that way but simply because he happens to be a minister on the front bench he sort of takes two kicks at the cat. He says he justifies his partisan stance because

it seems to be necessary under these circumstances. I don't agree with that.

As a minister who is going to be applying this particular piece of legislation he has administrative responsibilities. He sounds ridiculous sort of parroting the party line which has been set for him by his masters further up the bench. I can't understand, when he is asked for an opening statement on the bill, why it is not a matter of clarification as is required under the rules, rather than the kind of diatribe he treated us to. I think it downgrades the Legislature and I say to you, Mr. Speaker, it downgrades my opinion of the minister.

A year ago, in 1974, when the Premier acceded to a price increase without having the knowledge and information available to him which would have permitted him to predict the increase in the price of gas at the pump, the federal government, working with the companies across Canada, had a price-fixing arrangement which was designed to allow the companies to sell out their holdings of petroleum in many forms which had been acquired under the old price. I believe the 45-day limit, as it has come to be called, was established then. By agreement the federal government, when it approved the application or the indications from the government of Alberta that a further increase was needed this year, applied the same procedure so that there would not be an increase until about the middle of August under normal circumstances.

This bill extends that freeze for another 45 days and I believe that it is a warranted freeze. I believe the government of this province should have taken a strong stand in 1974, as it did in 1975, in order to stop the move toward the world price which the government of Alberta has been pressing on all the other governments ever since it realized it could do this for its own revenues and in support of its constitutional jurisdiction over the petroleum resources it has.

There are a number of matters of some concern, particularly when we see that along with the announcement of this freeze there is an appointment of a one-man royal commission. We still don't know who the commissioner is, nor what his terms of reference will be, but from a statement made by the Minister of Energy (Mr. Timbrell) last week, we understand that he is going to deal only with upward pressures on the cost of petroleum applicable in this province from the day of the freeze and also not including the price increases dictated by the government of Canada in conjunction with the producing provinces.

In other words, he will be doing what the Nova Scotia counterpart of our Energy Board has been doing now for about 18 months, and that is carrying on a continuous review of the requirements of the petroleum companies for increases in the price at the pump that come under provincial jurisdiction.

In this party we feel that the Legislature should be debating, in conjunction with this bill, another one which expands the powers of the Ontario Energy Board, rather than that of a royal commission, so that both now and in the future the energy board will have the powers to carry on a continuing review of energy prices and be able to make recommendations to the government so that only those increases which are justified are actually going to come about in this province.

The other serious omission is that in the posturing by the Premier, the Treasurer (Mr. McKeough), the Minister of Energy, and now by the Minister of Consumer and Commercial Relations, they are not prepared to accept their undoubted responsibility to have the same impact on the cost of electrical energy in this province. Mr. Speaker, I realize that this is not involved in this bill, but this is one of the very serious deficits in its inclusions. It is ultimate hypocrisy for the government here to damn and castigate the government of Canada for allowing the price of petroleum to go up when, in fact, they are not prepared to take similar strong actions to control the price of electrical energy in this province, over which they have direct and unarguable jurisdiction in a policy and a practical way. I have called it hopeless hypocrisy, and I would say to you, Mr. Speaker, that is precisely what it is.

We have heard the Treasurer indicate that he finds appalling the proposed 29.6 per cent increase. The leader of the NDP indicated this is the first step toward the roll-back of hydro prices. I hope it is. In the procedures the government is going through to win back some of the favour that they lost with the electorate over these past many months, this may, in fact, be something they will do before an election, because it is unconscionable that they should permit hydro increases even to be debated on a basis of an increase of 30 per cent when they put forward the strong argument that it has inflationary pressures which we, in this jurisdiction simply cannot support and cannot undertake.

So the flaws we feel are in this bill are that the bill should have in conjunction with it sections which give these additional powers to the Ontario Energy Board which we, as a Liberal government, would grant to the



Energy Board without delay. We also believe that the government should have a position in the area which is undoubtedly its responsibility, having to do with the cost of electrical energy. We regret sincerely that the government is not taking a stand which is even partially as strong as that it is taking in the control of the costs of petroleum.

As far as this bill is concerned, the freeze in the price ends on—what is it? Under the provisions it cannot go beyond Nov. 30, but it ends, in fact—unless it is extended by the Legislature or by order in council—on Sept. 23. It is obvious—and I got into a lot of trouble for talking about this a few days ago—this kind of a control on heating fuel is meaningless. The winter heating season will not begin until sometime in October and it will have a tremendous impact on all parts of this province, but particularly in the north. There is no way that we can prevent this sort of an increase to have an effect on homeowners and the costs of homeownership responsibility by the allowing of the price to change in such a dramatic degree at the time when this provision runs out. Obviously the Ontario Energy Board is going to have to have continuing powers and we should grant those powers before the Legislature rises next week or the week after, or whenever its business, according to the government, might be concluded.

I am also very much concerned at the initiatives taken by the government of Ontario with regard to the whole matter of oil pricing. In this regard, as far as petroleum is concerned, we are a have-not province and among the poorest anywhere in the world. We pump a little bit of oil actually out of an oil field in my constituency. I don't know, Mr. Speaker, whether you are aware of the oil field at Gobles, Ont., where the oil is pouring out—hardly in sufficient quantities to make us a serious producing province, but there it is.

**Mr. J. E. Stokes (Thunder Bay):** The sheik of Brant.

**Mr. R. F. Nixon:** Yes, almost that. It may be that the jurisdiction over oil ought to be on a county basis so that we could do something for the good of our constituents. It points out on a basis of national requirements it is a shame and I believe an inadequacy in federal policy and an inadequacy in the constitution of our country itself that the application of oil pricing policies should be so balkanizing our provinces, destroying national unity in a very real way and creating provincial sheikdoms of a type which is in the

long run going to be destructive to our confederation.

**Mr. J. E. Bullbrook (Sarnia):** There is nothing small about that.

**Mr. R. F. Nixon:** We have said, Mr. Speaker, and I put it before you one more time because we feel that it is a reasonable alternative, that the spokesman for Ontario should have taken a stand a year ago, reiterating it this year with the support of Nova Scotia and hopefully Quebec, which are provinces that don't have a lot of petroleum but are by no means bereft of energy resources, saying that in the face of the international crisis and the undoubted pressures that are brought to bear in a very divisive way on our nation, having to do with the OPEC decisions and the international cartel which has dislocated the national goals of many countries in the world, this province should have taken an initiative calling for a national energy pool in which our uranium could have formed one of the cornerstones.

We are not bereft of energy and in the long run our uranium and the technology of Ontario Hydro and Atomic Energy of Canada may be far more valuable than the petroleum resources of all of Canada. Alberta has these tremendous, although rapidly depreciating and depleting, petroleum resources. BC has natural gas resources, the major part of which is being exported to the United States. Saskatchewan has petroleum and gas. Quebec has tremendous water power resources and whatever one thinks about the development at James Bay it is going to provide a great new pool of energy that can be turned to the benefit of Canada, as well as Quebec. Any thought of exporting that elsewhere surely should be considered as a national priority and not one that falls thoroughly and wholly within the purview of the province.

Newfoundland, a have-not province in every way but this, has in Churchill Falls one of the major hydro-electric developments in the world. Nova Scotia has coal and unfortunately we are not using very much of it here. The Bay of Fundy can be made to serve Nova Scotia and New Brunswick. Prince Edward Island has a lot of potatoes there, but it has an energy problem that is probably more serious than any other province since it has to buy it from offshore sources almost exclusively.

My point is this, Mr. Speaker, that this country is anything but bereft of energy resources. We are almost self-sufficient as far as petroleum is concerned. Our exports of petroleum have dropped dramatically. A year ago we were prepared to accept as fact that the

additional export tax on the petroleum that we were selling to the United States would be sufficient to balance the additional costs of a one-price system for gasoline and heating fuel across Canada. Because of the drop in those exports, the government of Canada, through a decision which we do not support, has imposed an additional 10-cent tax, an excise tax, so that this national price policy can be maintained.

We have energy resources which, if pooled and properly directed on a national basis rather than a provincial basis, can make us self-sufficient now and in the foreseeable future. We would have wished that this province, together with other provinces, could have taken a provincial initiative so that this sort of self-sufficiency could have become a part of national policy.

I regret very much that the government of Canada did not see fit to take this initiative a year ago when the divisive concept of provincial pricing of energy was maintained as a part of the reading, and the proper reading, of the constitution. At that time, the Premier of Ontario, as a latter-day Father of Confederation, was prepared to approve of a substantial increase in the cost of petroleum per barrel, much larger than the one that has been proposed by the government of Canada under the recent legislation which gave it those price-fixing powers.

The Premier, of course, in a great flight of circumlocution when we accused him of giving in too easily last year said, and it is a part of his official statement; he "acquiesced with active reluctance." This is the kind of construction that he is prone to put on some of his decisions which now, in retrospect, do not please him. They indicate the entire lack of consistency in his approach to this particular policy area, which has such tremendous ramifications for this province where the major consumption of petroleum and energy takes place.

We should have joined Nova Scotia in strong opposition to price increases a year ago. We should have accepted, as a part of provincial policy, that we do not approve of any move towards the so-called world price established by the OPEC cartel; that is the most artificial kind of finagling on an international basis among the sheiks and those who have access to the tremendous quantities of petroleum resources which are controlled by the OPEC cartel.

**An hon. member:** Or a sheik.

**Mr. R. F. Nixon:** But for anybody to consider that as a supply and demand world

price, surely, is unacceptable to us. We should have insisted a year ago—with all of the powers that do lie with this province as a cornerstone, along with Quebec, of Confederation—on a national policy which would have made us self-sufficient in overall energy resources; which would have kept us away from the divisive approaches to energy pricing which is presently being debated and which required the introduction of the bill which is before us at this time.

So we feel that there has been a policy alternative which has not been brought to bear by any of the provinces, or the government of Canada. We hope it is not too late for this kind of approach.

The involvement of Ontario's uranium is particularly significant, since this is already under national control. The idea of us wrestling it back, so that we can have a cudgel to wield against the other provinces in a kind of divisive concept of energy pricing, is unacceptable if there is an alternative based on national pooling of energy resources.

This bill, of course, is a stopgap. But in my opinion it is more than that. It is a piece of political manoeuvring that is going to, I suppose, save the average consumer something like \$5 over the 45 days in which it would be applied. It's going to do little or nothing as far as home heating problems that face all of Ontario and, particularly, the northern part of this province are concerned.

While the royal commission concept is one that this government uses repeatedly, we still feel that it would be better for the Legislature to act in giving adequate powers to the Ontario Energy Board to review the upward price pressures that the oil companies may find themselves subject to. So, it is only by the justification from those companies of legitimate price increases that they must cope with that increases at the pump would be permitted.

It's been suggested that we should do something to roll back that 10 cent excise tax. The leader of the NDP has indicated that, by retroactive legislation, we could extract from the oil companies their wind-fall profits from a year ago. It's a nice concept. Maybe with that sort of legislation we could find money which would keep the prices from going up for another year, or some reasonable period of time. While there is nothing wrong with the concept as it's put forward as an alternative, I personally believe two things about it. That is, retroactive legislation of that type would be unaccept-



able to the Legislature and to the thinking citizens of the Province of Ontario. And much as I regret the 10 cent excise tax, for obvious reasons, we are still prepared to say that the government of Canada governs in this province as well as the others.

I feel its policies in energy pricing have been divisive, both last year and this year, but it undoubtedly has the power to levy those taxes if, in its judgement, it is necessary. It has pointed out that this means a federal tax of 10 cents a gallon and a provincial tax of 19 cents a gallon. The constitution certainly does not give the provinces any special corner on direct taxation, but the federal government has exclusive powers of direct taxation. It has the powers and has seen fit to use them here. I don't know of any power of this Legislature which could roll back that 10 cent excise tax.

I do recall, of course, that the government of this province imposed a seven per cent additional tax on all energy but when it found the people of the province were very much opposed to it, it withdrew it after a number of days. Evidently the government of Canada does not feel this tax is that unacceptable and it appears it is not going to reconsider its decision. That is for the government to decide and I think it is an unfortunate circumstance because it does have a dislocating effect on our own economy here.

However, that is a fact about which we don't seem to be able to do anything. This bill does extend for an additional 45 days the freeze on the price at the pumps which would otherwise have gone up because of the increase to \$8 a barrel in the well-head price of petroleum from Canadian sources.

We are prepared to support this as stop-gap legislation. We feel it falls far short of our requirements and it may be that the government will take further action or, if an election intervenes, we will be in a position to take the kind of action which I've outlined in my remarks this afternoon.

**Mr. Speaker** The hon. member for Wentworth.

**Mr. I. Deans (Wentworth):** Thank you, Mr. Speaker. I have two or three comments I want to make about the bill. This is another example of the kind of crisis legislation we've been seeing in this Legislature over the last year or year and a half and it concerns a lot of us. It's not that the intent of the bill is necessarily bad; the intent of the bill is one which we happen to agree with. Unfortunately, it seems as if the consumers

of the Province of Ontario are to be forced to suffer almost to the point of suffering no more before this government is prepared to take any action.

I've long felt, this party has long felt, that the government has a responsibility in the protection of consumers. We've stated it over and over again in the course of the years I've been here and probably stated it long before I arrived. We've consistently pointed out that the government's role is surely to guarantee those people in this province that they are not gouged by the private sector or, for that matter, gouged by the bureaucracy of government. If the government has failed, as I think it has, it has failed over the years in setting up and putting in place the kind of mechanisms which would ensure that we wouldn't have to bring in this kind of crisis legislation at a time like this.

Frankly, I feel this government had adequate opportunity in the last two or three years to recognize what was occurring in the energy field and to put into place the price review mechanism which would have enabled us in the Province of Ontario to take account of rising costs and to try to rationalize the entire energy source in the province.

I think over the years the government has steadfastly refused to recognize that it had a responsibility in placing curbs and in trying to moderate the influence of the private sector on the lives of the people of the province. It failed at every single turn. There's hardly a single essential commodity in the Province of Ontario on which this government has taken any action to ensure there will be price stability.

I don't quite understand what it is about the government that it has to wait until the very last moment before it begins to take action. It sat back and it watched the spiraling costs of housing and did nothing to try to moderate it. It sits back and it watches the ever-increasing rents and it takes no steps to moderate them. It sits back and it watches while prices rise on the consumer front and it takes no steps to moderate them. Then, just because it happens to be three or four months in advance of an election, the government moves with what I call crisis legislation in an attempt to appease an enraged public.

I want to say that's not the way to govern a province. That might be politically satisfactory for a short period of time but in the long haul this isn't the way it should be done. The whole review process requires an entirely new approach to government, an entirely new sense of the responsibility of government toward the protection of the con-



sumer. It's not nearly enough to say that because this is a flagrant abuse we will move, while on the other hand failing to take any corrective action in other equally flagrant abuses occurring in other parts of the private economy.

I want to suggest, first of all, that one of the most difficult tasks of a government—this one in particular—seems to be the gathering together of accurate statistical information. Over the course of the last two or 2½ years, this government has consistently failed to come up with the statistics to show what was happening within the oil industry. While I recognize that practically all of the sources of petroleum products are outside the Province of Ontario, the impact on the consumer in the Province of Ontario is so great that this government had a responsibility to have an accurate assessment available on a day-to-day basis of not only the availability of the sources but also of the capacity of the oil production machinery to produce what we need.

This government had a responsibility to ensure for the consumers in the Province of Ontario that there would not be the kind of gouging allowed that has been allowed. When the first opportunity arose 1½ years ago, I think, the government went to the negotiating table with inaccurate statistics and without a complete understanding of the field and came away having been hoodwinked by other governments which were in a better statistical position. I think that that is where this government has to begin.

First of all, it has to recognize that in certain essential commodity areas there is a responsibility on government to establish price review mechanisms which will take into account any attempts by the private or the public sector to take advantage of the consumer without any opportunity for a review.

Having done that, having made that kind of a commitment in all of the essential areas, then the government has a responsibility to amass the statistical information necessary to make accurate decisions. In the case of energy and in the case of petroleum products in particular, that includes a review of the procedures used by many of the major oil companies in retailing their gasoline and petroleum products to the consumer. Whether I'm speaking on behalf of a number or a few, I am convinced that price-fixing takes place at the retail levels within many of the major retail outlets. I think that it is time that this government, recognizing that it has a responsibility at the retail price level, took some initiative and investigated that aspect of it.

I want also to say that it is much more difficult in the first instance for a government

of Tory philosophy to move towards price review and perhaps easier to go to price freeze because the price freeze can be explained away as being a temporary measure. But the facts are that in order to protect consumers over the long haul we must have the kind of price review mechanisms that we have raised and put forward and discussed in this Legislature.

Over the last two or three years I have watched while this government played games with the Liberal government in Ottawa and with the oil companies. They weren't entirely honest with the public in the Province of Ontario about the way in which negotiation, if any, took place between governments and these major oil concerns.

**Mr. Bullbrook:** The member is right. They played games with Saskatchewan too. This is the problem. One just can't tell who is on first any more.

**Mr. Deans:** One can't tell who is playing and who isn't.

**Mr. Bullbrook:** They played games with the oil companies, with the federal government, with Alberta and with Saskatchewan.

**Mr. Speaker:** Order, please. The hon. member for Wentworth has the floor.

**Mr. Deans:** Thank you very much. I appreciate that. As I was saying, this government has played games over the last two or three years and hasn't been entirely honest with the public of Ontario about its intentions or, for that matter, hasn't been entirely honest in living up to its responsibilities, at least at the retail level.

I think there is a need in the Province of Ontario for an overall energy policy. I think we've said time and time again that there has to be a reasonably accurate assessment made of the sources of energy and that there has to be also a reasonably accurate assessment made of the energy needs. That includes all forms of energy. Whether they are found in the Province of Ontario or whether they are imported from out of the province we have to rationalize our energy policies so that we can meet emergency conditions and we haven't done that. That ought to be part of what should be going on at this particular time. It ought to have been going on over the last two or three years when it was evident to most people that we were facing a critical if not an emergency situation and it was likely to get worse rather than better.

We happen to think the government has taken only marginal steps by introducing this piece of legislation. The government hasn't done very much to aid the public of the Province of Ontario. We happen to think because the government of Ontario has a responsibility at the retail price level, it would have been entirely possible for the government to have offset the 10 cent excise tax by establishing a price in the Province of Ontario at which gasoline and other oil-based products would have been sold to the consuming public.

We think that could have been done and we think it should have been done. That should have been done just as much as the government should have imposed the 90-day freeze. We think that would have been an initiative of this government which would have served the public of Ontario well. We recognize the fault lies primarily with the federal government. We recognize that the federal government's actions were inexcusable. We recognize that what the federal government did by imposing the 10 cent excise tax was to impose a tremendous hardship on a great number of people in the Province of Ontario.

The imposition of that tax will have an adverse effect on a number of different areas of the economy including the vacation trade which is building up over the province and on which we spend considerable sums of money trying to sell. We recognize that the 10 cent excise tax will be reflected in every single commodity even although commercial and industrial users will be able to obtain a rebate. There is no question in my mind that industrial and commercial users, simply by virtue of having to go through the book-keeping operation, will raise the cost of the products they sell. It has always been the practice and whenever a tax is imposed there is always the additional cushion added in by every retailer, wholesaler and producer and so even the 10 cent excise tax will be reflected in higher prices in the province though it ought not to.

I suggest in bringing in this legislation, the government should have brought in companion legislation which would have established a price in the Province of Ontario which could be charged at the retail level during a particular period of time—90 days if that's the wish—and that during that period of time tough and serious negotiations should have been carried on between this government in Ontario and the federal government in Ottawa with an eye to finding a way around the imposition of the excise tax at all.

To have allowed the excise tax to be applied against every motorist in the province at this time is adding further hardship when people are already finding it extremely difficult to make ends meet.

Frankly, I feel we can't go on forever with this kind of ad hoc-ery which this government seems to have adopted as its policy. The government can't expect to sit and react to every situation after it occurs. Surely, within the many tens of thousands of people who work for the government there are people who are capable of reasonably accurately predicting what is going to happen.

The government has to recognize that if it is going to take on the mantle of the consumer's protector, it has to do it on a much more overall basis. One can't simply isolate those two or three areas—in this case only one area—where the consumers will hurt immediately and take some temporary measure in the hope of appeasing them to a point beyond an election. If the government is serious about consumer protection, if it's serious about trying to ensure that the consumer dollar in the Province of Ontario is not further eroded by the greed of major corporate power we are going to have to put into place consumer review mechanisms which will guarantee that in advance of any price increase there will be an adequate and proper investigation, not only of the increase itself but of the need for the increase and the costs of production. If the government does that in the many areas of essential items, then it can truthfully say it is protecting the consumer.

This kind of legislation doesn't protect the consumer; it simply delays the inevitable. It's very much like what the government has done throughout both of the budgets it has brought in during the last four months. It has delayed to a point later in the year what will be a severe restriction on the consumer dollar.

You know, Jan. 1, 1976, will be a landmark day in the Province of Ontario because on that day the cost to the consumer in a number of vital areas is going to go up considerably because that day has been chosen by this government as a sort of judgement day for tax.

**Mr. J. R. Breithaupt (Kitchener):** The day of reckoning.

**Mr. Deans:** That's what is going to happen in this case too. The government can't continue to delay without putting into place the kind of operation that will guarantee re-



view on an ongoing basis. That's what has to be done.

We welcome this only because it is the only measure we could have expected; in fact, it's even beyond what we could have expected from this government. But, in its temporary nature, surely it must be only the first step. If, as a result of this, the government moves on to establish the kind of consumer protection across the board in essential areas that we envisage are the responsibility of government in the protection of the consumer, then of course it will have been worthwhile. But if this is simply window-dressing; if this is simply an attempt to garner more votes at the expense of the Liberal government in Ottawa, then it is not worth the paper it's written on.

We'll judge it more late in August and early in September when we see what kind of action there is from this government in trying to ensure that the consumer will not be gouged by the private sector, that the protection of the consumer is an ongoing responsibility recognized by this government and to be fulfilled by legislative proposals. That's when the measure will be judged and that's when the decisions will be made.

**Mr. Speaker:** The hon. member for Sarina.

**Mr. Bullbrook:** Thank you very much. I am going to be able to be brief, Mr. Speaker, because of the fact that my leader has amply and more than adequately covered the position to be taken by this party.

I want to say something to begin with, if I may. We certainly support the principle of this legislation. It's appropriate in the circumstances. But, during the question period the other day, I attempted to elicit from the Premier of this province some indication as to the sincerity of the motivation of the government in connection with this type of legislation, because it was only Jan. 1 of this year that the Ontario Energy Board authorized a significant elevation in the cost of natural gas to the consumers of Ontario. Very shortly there will be another elevation to the consumers of Ontario of the price of hydro-electric power.

In putting this to the Premier, I asked him if he was so significantly motivated now, why wasn't he motivated at that time. His response to me, as the minister carrying this bill will recall, was that the increase of the base rate structure for the natural gas distributing companies was based on a hearing for the Ontario Energy Board; that the Energy Board, of course, made that judgement; and that al-

though they have a right, as does any executive in any of the provinces, to suspend or not approve the decision and recommendation of the Ontario Energy Board, they chose not to. As I understand the response of the Premier to me, he said in effect that this is the reason no interference was made.

There are two things that crossed my mind at that time, and this is why I had to say to him, with the greatest respect, "One wonders about your integrity of purpose." There are two things that crossed my mind.

First of all, the terms of reference established by this government and directed to the counsel hired by them and by the Ministry of Energy in connection with the application for rate increases, had nothing to do with economic impact of the rate increase. That is the most significant aspect.

The Ontario Energy Board does not have the function of an economic tribunal in assessing the economic impact of rate increases in the natural gas distribution field. It looks basically at the criteria of cost, of production and distribution, and all the matters concurrent therewith—capital requirements, the cost of borrowing, the normal maintenance expense and other items that are validly taken into consideration.

Such isn't the case in connection with the price freeze on gas. In what can only be characterized as a highly inflammatory series of statements by the Premier of this great province in connection with the federal government, he based the posture of the government solely on the economic impact of the people of this province and the necessity to protect the customer. Those aren't the criteria the Ontario Energy Board takes into consideration in establishing the rate structure for natural gas, nor are they the criteria that the Ontario Energy Board will take into consideration Mr. Speaker, upon a reference by the Minister of Energy under the appropriate section of the statute of the Ontario Energy Board of an application by Hydro for a rate increase.

So one has to say to himself, why, at this time, does the government of Ontario deem it so necessary to protect not only the consuming public but the economic vitality of this province, if it didn't see fit to do so in connection with matters that are solely, exclusively and patently within their confidence and jurisdiction? Had the announcement been made by the Premier of this province of the intention of the government to freeze these prices, concurrent with an announcement that there would be a freeze in connection with the rate structure of Ontario Hydro, as



chargeable directly to the consumers of Ontario, or to its public utilities, and a roll back to Jan. 1, 1975, to the then rate structures of the natural gas distributing companies, one could see some sincerity of motivation.

I found it very difficult during the course of those two questions that I attempted to put to the Premier of this province, to get that type of response from him, which seemed to me—and I say it most respectful of his position — shallow and full of a lack of understanding of what he was talking about. If it is the intention of the government to protect the consumer, so be it. That is its function, and we are prepared to go along with it as a matter of principle. But if that is an intention based on integrity, and not the most crass political motivation, then the government should have gone much further, and covered those aspects of the energy economy that it could fully and wholly cover without any difficulty.

If I may, I want to voice something during the course of the debate on principle of this bill that my leader touched upon, just shortly. But I must say that I worry, as one member of the legislature. I wonder if my colleague, the member for Riverdale (Mr. Renwick), or my colleagues, the members for York-Forest Hill (Mr. Givens) and Kitchener, or any other member in this House feels as I do, and worries about some of the statements that have been made in this chamber.

I realize that we are into difficult circumstances and difficult times. But I wonder, Mr. Speaker, if it serves this nation well to hear Her Majesty's first minister in this province carry on in the fashion that he has. One has to wonder about it when we saw the lethargy and inertia that was exhibited by him a year ago in connection with this very matter.

**Some hon. members:** Right.

**Mr. Bullbrook:** But so be it; if he has come to grips with his responsibility, fine. But, really, is there anything to be gained from that type of vituperation?

I really like to think that whether or not our constitution is truly a contemporarily efficacious document, it still is our constitution, and I like to think that if they are going to attempt to tear apart a budget position by the government of Canada, they do so sitting, having been elected by the people of Canada to undertake that responsibility. I like to think that's why Mr. Broadbent—now the chosen leader of the New Democratic Party—has a responsibility there.

Surely we have a responsibility on all sides of this Legislature to make comment, but I

worry myself at the continuing fracturing—a seeming fracturing at least—of our nation by swipes from Quebec City when it's worth their while, or Edmonton when it's worth their while, or Victoria when it's worth their while, or Toronto when it's worth their while.

The fact is, I am accused at times of being a centralist, but it does bother me more than a little to evaluate the distribution of \$8 per barrel of crude and to see that distribution as follows: to the provincial taxing sources, 49 cents; to the federal taxing source, \$1.99; to the producer, \$1.57; and \$3.35 as a royalty payment to the people of the producing province. Somewhere along the line, it seems to me that those people meeting in Charlottetown 108 years ago didn't intend that the basic resources of this great nation could be sequestered by a group of people within a defined political area—

**Mr. D. A. Paterson (Essex South):** Geographical area.

**Mr. Bullbrook:** —no, political area, namely a province, and say, "These assets belong to us and no others." They didn't intend that the people of Alberta could say, "This oil is for our benefit and for the benefit of no others." They didn't intend that Ontario should say, "This uranium is ours and for the benefit of no others." As a matter of fact, we didn't say that. We led the way here in this great province, led the way in an appropriate and proper understanding of the ramification back in 1900—and whenever the appropriate year was—Leslie Frost understood at that time that we couldn't take that type of provincial, truly provincial, position in connection with assets of that nature.

I don't pretend to be a political historian or a constitutional lawyer, and certainly not an economist, but surely I must voice the feeling that if Premier Lougheed is prepared to say, "These assets are ours, we will sequester that royalty for ourselves, for the people of Alberta, and for no others," then surely it invites our Premier to say, "It's our nickel and you will have none of our nickel, and you will have none of our uranium, or our copper, or our lead, or our zinc, or our forest products. And try to build your world-scale polyethylene plant in Alberta without our nickel or our zinc or our lead or our steel. Try to do that."

It seems to me that we just can't go on forever blinking our eyes to the basic fact that we have attempted by agreement to come to a solution for which there is no great solution, except an undertaking on our part collectively, as provinces in unison and

in partnership with the federal government, to say what is in the total best interests of our nation, recognizing at the same time, as I do, that I don't support the almost unilateral abandonment of the provinces that is sometimes undertaken by the federal government. We have not only got to look at resources and income. It is time the federal government had a look at the provincial responsibilities, Mr. Speaker, and the financial impact concurrent with those responsibilities.

I wanted to say these things because I've been saying them out in the hustings once in a while. I'm called a centralist for saying that. If I wanted to be a centralist I would never have undertaken running for the provincial Legislature. If my desires and interests were not here, I would have run for the federal House of Commons. But I felt, frankly, that my interests do lie here.

One's prime loyalty, without being dramatic, has to be as a Canadian. A secondary loyalty, if not equal in importance for us, as well as the Premier of the province, is to the people of Ontario. I say this to you, Mr. Speaker, if on every issue in which there is concurrent jurisdiction—post-secondary education, health, transportation, labour and now resource matters—we're going to have this continual confrontation between the two levels of government, I certainly do wonder where we go.

It's very edifying for Mr. Lougheed to receive \$3.35 of the \$8. It's wonderful for the people of Alberta that they have no retail sales tax. It's wonderful for them. I say that surely somewhere along the line that wasn't the intention. I realize the distinction between a unitarian form of government, a republic, and a confederation in which we live. I just don't think that in this continual ad hoc-ery we satisfy either the Province of Ontario or the people of Canada.

I wanted to voice support of the bill as matter of need for the consumers of Ontario. I wanted to say I worry about the motivation, but notwithstanding worrying about the motivation, I support it. More importantly, I think we've got to come to grips with some basic issues in Canada. No longer can we go on decade after decade.

I always regarded John Robarts, frankly, as one of the great Canadians. I read to a gathering in Windsor, I believe it was, some three weeks ago part of the opening statement that he made at the Confederation of Tomorrow conference. That was the whole intention of that. Sometimes governments are accused of grandstanding. Sometimes pro-

vincial governments are accused of grandstanding. But I really feel, and I didn't have the closeness that many members of this chamber had to that man, that he had an insight and recognized that unless we do start to work on a redefinition of our constitutional responsibilities in Canada we're going to develop into a fracture that might be irreparable.

I don't think it would be, but I surely would want to see some government, no matter which is elected after October of this year, dedicate itself, whoever the Attorney General of this province is, to some type of new initiative so that we can get away from this constant bickering, which the public is fed up with, and which the public doesn't understand unfortunately; but it looks to us for solutions and leadership.

**Mr. Speaker:** The hon. member for Riverdale.

**Mr. J. A. Renwick (Riverdale):** Mr. Speaker, I would like to speak briefly about this bill which is in front of us. I assume the bill is introduced by the Minister of Consumer and Commercial Relations either because it's designed to protect the consumer or because of his role as the minister responsible for commercial affairs. I suppose it's because it's for the protection of the consumer, in the eyes of the Conservative government.

It's quite fascinating, really, when one looks at the point in time in which the government decided to move to try to protect the consumer against these exorbitant increases in the prices of oil and natural gas and also the tax consequences of the changes which have taken place. I think we must be very clear that the bill really only deals with about 20 per cent, or perhaps a little bit more of the total impact of the tax and price increases in petroleum products, in gasoline and in heating oil that have occurred over the last two years.

I refer, of course, to one of the supporting statements by the Treasurer in his budget today, which points out in one of the tables that as a result of the 1974 tax and price increases a family, heating with oil and driving 10,000 miles per year, had an additional price impact of \$151. Of course, the government did nothing to protect the family against that increase.

The projected 1975 tax and price increases on the same family—that is, the family heating with oil and driving 10,000 miles per year—was \$126, making a total impact in the two-year period of some \$277. That's on an



average family in the Province of Ontario with the characteristics as I have described them. Of course, of the 1975 tax and price increases, the only portion that we are dealing with is something in the neighbourhood of the five cents of the 15 cents, or if the oil companies had their way, perhaps of six or seven cents of the 10 cents excise tax, plus the five cents which the increase of \$1.50 per barrel of oil, translated into a gallon at the pump, would mean to the consumer.

So this bill—if my rough and ready arithmetic is substantially accurate—is dealing with about \$42 of the total of a \$277 impact which the consumer has had to face in the Province of Ontario in the last two years in these two areas. Similarly, if I may use the other example which the Treasurer's supporting papers gave to the House today, a family heating and cooking with gas and driving 10,000 miles per year, suffered a price impact in 1974 as the result of price and tax increases of \$124, and in 1975 of \$148, for a total of \$272. Again, using the rough and ready figure of about one-third of the 1975 tax and price increase, we have, for practical purposes, in this bill been asked to deal only with about some 20 per cent of the total impact of the \$272 cost increase in the last two years.

I think it is essential, within the perspective that we are dealing in this bill, that nobody misunderstand that. We are only dealing with a marginal part—about 20 per cent—of the total impact that has hit the consumer in the Province of Ontario in the last two years in the field of oil and natural gas, and they are the Treasurer's own figures which would support that.

So the government's concern is really only with respect to one-fifth of the total cost that the consumer has had to bear in the province as a result of the default by the government. I found it relatively fascinating, because very seldom in the course of the day-to-day work of the assembly does one ever have an opportunity to be perhaps current with what was taking place.

Strangely enough, at the request of the leader of this party, about 15 months ago I prepared a memorandum for the members of our caucus dealing with the failure of the Davis government at that time to protect the consumer on the price of gasoline and natural gas. It was shortly after the conclusion of the first ministers' conference at the end of March, 1974. I think our concern and the concern which has been expressed by the leader of this party for

any months now—consistently, accurately and with a great deal of prescience—

Mr. Stokes: Prescience.

Hon. Mr. Handleman: Omnipresence.

Mr. Renwick: —has now been, in a sense, picked up by the Conservative government but at a point in time when, as my colleague, the member for Wentworth, has stated, one can only deem it to be a crisis measure.

In that memorandum—and I want to quote briefly from it—which I did at our leader's request in April last year, I was trying to deal with the constitutional basis for the regulation of the price per gallon of gasoline and heating oil to the consumer in Ontario. Strangely enough that particular memorandum accurately reflects obviously what the law officers of the Crown must have concluded was the constitutional position or they would not have introduced the bill which we are considering today. I said in that memorandum and I want to quote a couple of paragraphs from it:

Premier Davis and his government are obviously determined to shirk any responsibility for the extent of any increases in the price per gallon of gasoline and heating oil to the consumer as a result of the decision of the conference of first ministers in Ottawa at the end of March to fix the wellhead price of crude oil at \$6.50 per barrel throughout Canada for the next 15 months.

The purpose of this memorandum is to state the present constitutional authority of the Ontario government to fix consumer prices for gasoline and heating oil in Ontario.

The Ontario Legislature can enact legislation fixing the price of these commodities to the consumer in Ontario and legislation for this purpose could include provision for public review of the pricing policies of the oil companies in fixing consumer prices.

I commented about the competing and, perhaps, co-operative jurisdiction or the divided jurisdiction of the federal government with respect to the export trade and with respect to interprovincial trade; and the jurisdiction of the provincial government with respect to prices in the Province of Ontario.

I concluded at that time, "The Ontario Legislature has the power now to legislate unilaterally to fix domestic prices of gasoline and heating oil to Ontario customers."



I am not going to take the time of the House to deal with it at any great length but in the constitutional authority of Laskin's book on constitutional law in Canada there was some very real indication that in all likelihood an area such as the area we are trying marginally to deal with must be seen as really the paramount responsibility of the federal government. I don't think that in the Province of Ontario, exercising our legislative authority within the scope of the constitutional powers granted to this assembly, we can really deal with a problem which in its totality transcends provincial management.

I don't think it's possible really for this Legislature, over a long period of time, to deal with the international oil companies. I don't think it's possible for the Legislature of the Province of Ontario to deal with the supply of natural gas in any effective way for the purpose of protecting the consumer.

We are anxious to support this bill not solely in any mistaken belief that we can, for any long period of time, protect the consumer by our legislation in the way in which we are talking about it. We will support it because we felt it should have been done 15 months ago. We will support it because during those 15 months the work and the study which is now going to be expected to be accomplished in a period of three months by the royal commissioner, when he is appointed, could well have been completed by this time.

We are extremely sceptical about the capacity of any royal commissioner, regardless of who he is, to be able to obtain the information on the basis of which he will be able to make substantial recommendations to this government. It would appear to us that most of the information is going to come from the international oil companies. Most of the information is going to be information which cannot be checked in any very real sense. There's a certain limited amount of information available at the National Energy Board. There's very little public information available about the economics of the petroleum industry. Our concern is, as the president of Gulf Oil said the other day, that what they lose now they'll pick up again later on. This moratorium which this government is imposing cannot be allowed to be a substitute for a difficult, I admit, but necessary co-operative effort between the government of Ontario and the government of Canada and the other provinces.

I think I regret very much the tone of hostility and combativeness which has crept into the position of the Tory government in the Province of Ontario in matters related to its relationship with the federal government. I know there are strong feelings about such matters, but it seems to me, in any confederation such as we conceive it to be, that in areas of this immense importance there have to be matters of ongoing and continuing co-operation under the constitution rather than in the area of competitive vying for position by one government against the other. We all allow, of course, for a certain amount of partisan give and take about matters such as these, particularly in what is likely an election year.

The government has got to drop the posture which it has and begin to realize, regardless of the aggravation caused to the government by what appear to be inappropriate and irrelevant policies of the federal government in this field, it has an immense responsibility to the confederation to make certain that the confederation works and functions. The problems aren't legal problems. They may have to be seen within a legal context because it's a law of the assembly which is going to be passed or a number of laws and regulations passed by a number of the jurisdictions in Canada. But, for practical purposes, we're talking about the solution of profoundly difficult social and economic problems.

It seems to me, Mr. Speaker, that the government must of some necessity say to us not just that the royal commissioner is going to make certain investigations and submit a report to the government but what it is that it really wants from the royal commissioner. Do they, in fact, want the royal commissioner to recommend to the government that there be an ongoing monitoring or reviewing or surveillance of the domestic prices of gasoline, propane and natural gas in the Province of Ontario? Do they want that? If so, are they going to ask the royal commissioner, in relation to the terms of reference that were stated by the Minister of Energy the other day, specifically to realize that for all time to come in the Province of Ontario this government must finally monitor and review the prices which will be charged?

Mr. Speaker, in a province such as this we can't possibly regulate, through the Ontario Energy Board, the prices of natural gas and electric power for various purposes in the province and leave the petroleum industry free and clear from such regulatory power, because the third part and a most important

part of the energy consumed in the province is of course from that petroleum industry.

Mr. Speaker, we can't forget that we have not as yet devised, either at the provincial level—and we can't possibly do it—at the federal level, at the level of the United Nations, at the level of the Commonwealth, or wherever you want to do it, methods by which we can effectively deal with international corporations of the immense size as are represented by the international petroleum companies.

Even in Canada today, Imperial Oil has now become the largest domestic corporation in Canada. It's now in second place of all of the companies. The only one that's out in front is the Ford Motor Co. of Canada, and the only reason the Ford Motor Co. of Canada is larger than Imperial Oil is that it chooses, as a matter of policy, to channel all of its foreign subsidiary operations through Ford of Canada before they go to the United States. A substantial component of Ford of Canada's assets is involved in subsidiary operations in other countries. But not Imperial Oil. Imperial Oil is the largest single corporation in Canada at the present time.

I'm quite certain that anyone who knows the rudiments of the kind of leadership position that such a company provides in the petroleum field will indicate that a number of the others in varying degrees must of necessity follow Imperial Oil. If the minister thinks we in this assembly are capable of clearly controlling Imperial Oil on our own, he's entirely wrong. That corporation will never ever be controllable by this assembly.

All that we can require, and all that we can insist on having from the government for our support of this bill, is an assurance from the ministry that following this stopgap or moratorium measure, which should have been taken 15 months ago and is now belatedly being taken to the extent of protecting the consumer in Ontario up to about 20 per cent of the price and tax impact that he suffered in the last two years, the government expects and anticipates to control, by monitoring them publicly over a period of time, the prices of natural gas, gasoline, propane and other petroleum products in Ontario.

In the course of the debate that has gone on since June 23, we tried to indicate to the government that it should have fixed the price exclusive of the excise tax at June 23, and that that should have continued to be the price for the period of time. The answer we got was, "You can't do that." Well, the

government can do it. The minister is quite familiar with the imposition under the Excise Tax Act of the taxes which are imposed by the government under the general rubric of excise taxes; it is a tax on the producer, the manufacturer or the importer and it is not a tax on the consumer.

The minister has chosen to say that he is not going to interfere with the position which the oil companies will take to pass on that tax to the consumer. We have said, "Forget whether it's 10 cents, 15 cents or 18 cents; look at the price. Require them to justify the price." We can't do it by isolating a 10-cent tax impact on Imperial Oil. We can't do it by isolating the five-cent increase per gallon at the pump as a result of the \$1.50 increase per barrel. We can't do it that way. The government has got to be prepared to look at the total picture of Imperial Oil and the operations of the other petroleum companies in Canada, and then to decide, in the overall light of their operations, together with what their plans are for exploration and development, whether or not there is a justifiable claim for an increase in the price. That's the way the government has got to look at it.

But it has taken the course that it is going to fragment it and is going to pretend that this five cents is some special five cents and that the excise tax of 10 cents is irrelevant and doesn't apply to this. So far as I can see, in the terms of reference of the royal commission or in anything which has been said in the introduction of this bill—which was a companion piece to the appointment of the royal commission—nowhere is there really any indication that the pricing policies as such of the oil companies are going to be subject to any kind of a review.

As far as I can tell, he's going to report on the relationship between certain increases and the interests of the consuming public with due consideration to the adequacy of the federal government guidelines as they apply to Ontario, the financial requirements of the industry, existing inventories and continuity of supplies.

Although this bill has to do with prices, there's no reference specifically to the word "prices" in the terms of reference as they were given to us, as I understand it, by the Minister of Energy. So I want some assurance from the minister, when he replies in this debate, that it is his purpose to have an ongoing and continuing review through the Ontario Energy Board—if that is the appropriate board, or however he may refashion that board—that there will be a continuing



responsibility to monitor each and every increase in the price of gasoline at the pump as they do now with the price of natural gas and other products.

I don't share very many things in common with the Leader of the Opposition these days, but I do happen to share the one view that the Minister is going to have to reorganize the Ontario Energy Board. He is going to have to give it a proper overall monitoring authority with respect to all the sources of energy, which have such a drastic impact upon the consumers in the Province of Ontario.

As I said, Mr. Speaker, and as the member for Wentworth has said, we will be supporting this bill on second reading. I trust the minister will give us some further explanation of the proposed basis and method under which price increases will be permitted by way of regulation under the bill, because that seems to me to be an essential part of the minister's explanation to us. I refer particularly to the power being given to the cabinet to make regulations prescribing the conditions under which a price greater than the price determined under section 2 may be charged by a seller for petroleum products.

In a very limited way we congratulate the government on at least taking some small step to recognize that even a Tory government can sometimes intrude on the affairs of the international petroleum corporations. That's quite a credit to the Tory government. They don't see it that way. They sort of fidget in their seats and are very irritated at the thought that they were ever placed in the position that they would have had to do so.

Apart altogether from what the federal government did in its budget, this government would have had a responsibility to the people of the Province of Ontario to monitor the price of petroleum products as it has monitored and is monitoring the prices of natural gas in the province—to the extent it is within our control. So one can't blame the federal government for finally moving into that area of energy supplies in Ontario, which is a correlative part of the overall energy picture of the province.

I say, grudgingly, that we congratulate the government for at least moving to get its feet wet. I do hope that the moratorium doesn't prove to be illusory so far as the continuing public surveillance on behalf of the consumers of Ontario of the price of these products.

**Mr. Speaker:** The member for Rainy River.

**Mr. T. P. Reid (Rainy River):** Thank you, Mr. Speaker, I will delight you by saying my remarks on the bill will be brief. Particularly after listening to the efforts at a new budget today, it seems to me that what we heard this afternoon from the Treasurer probably should have been done and could have been done in his April 7 budget and we wouldn't be having some of the problems we face in the province today.

I'm a little concerned about the bill in the regard, as was mentioned when it was first proposed in the House, that it's not really going to do much for the people in northern and particularly northwestern Ontario as far as gas prices go. The previous speaker indicated that this bill most probably and properly should have been introduced some 15 months ago when we were faced with the increase then.

I'm sure the minister has heard before—he's had letters from me, he's had my questions in the House and from others—that we in northern Ontario have already been paying 10 to 15 cents a gallon for gas over and above what the rate is in southern Ontario. I understand that today the price of a gallon of gas in Ignace, for instance, is 91 cents for regular gas. Previous to the 10-cent excise tax being put on, our gasoline was anywhere from 12 to 15 cents a gallon higher than in southern Ontario.

Last spring, around the end of February and March, I took it upon myself to write to some of the oil companies and ask them if they could explain their pricing policies to me. Obviously, some of the increase in the price of gasoline or one of the larger component parts, especially as it applies to northwestern Ontario, is the transportation costs, particularly when that gasoline comes from Winnipeg by truck, which seems to be about the most expensive way to ship it. I must say the companies were most generous in their answers, although I'm not much clearer than I was then. The other component seems to be the dealer markup, which seems to be somewhat higher than it is in other centres across the province, no doubt due mainly to the fact that they are working on a smaller volume and have to have the higher markup to meet their costs and make a reasonable living.

It seems to me, Mr. Speaker, that one of the weaknesses of the bill, as indicated in the questions in the House when the bill was first introduced, was the fact that there isn't going to be any special investigation as regards the price of gasoline in northern Ontario. I've already given the reasons why I think this is necessary. We have been pay-



ing higher prices for many years. Maybe the explanation is just as I said, but the difference in transportation costs is really only about 2.6 cents a gallon, as far as I can figure from the figures given to me by the various oil companies, and the rest of it may be two to three or sometimes four cents a gallon markup by the retail dealer, the man who sells it at the pump.

It seems to me, therefore, that there is another nickel or dime somewhere in there that is being charged the consumer in northwestern Ontario that isn't accounted for. It seems to me that it's the minister's responsibility, and has been previous to this time in any case, to look into the price of gasoline and home heating oil and so on in northern Ontario. In answer to a question that I posed to him some months ago and reiterated last week, he indicated that someone in his department—I believe it's Mrs. Staff, if I'm correct—has been compiling figures on the cost of living in numerous commodities in northern Ontario, and we're going to get if not the report at least an announcement by the minister shortly.

It seems to me that is a weakness in this particular bill. I was home in my riding on the weekend and many people said, "Oh, the government is going to stop the increase," and I said, "No, they're not going to stop the increase. The bill only provides for the postponement of that increase." Without trying to be overly partisan, as the minister knows I am not, one cannot help but note the extension date is no longer than Nov. 30, 1975. My constituents, being well-informed and intelligent, naturally have returned me to this House twice. They say, "That sounds to me like a rather strange situation when we are expecting an election in October and does the government think that's going to fool anybody?"

I was interested in the comments of the member for Riverdale because I don't profess to be any constitutional expert. I have also read something in regard to the legislation in Nova Scotia; the Minister of Energy keeps informing us it really hasn't had any effect and the price in Nova Scotia is higher than the price in Ontario. To my mind that seems to beg the question because we are dealing primarily, if I am not incorrect, with two different sources of oil. Is Nova Scotia getting its oil from Alberta and Saskatchewan?

**Hon. Mr. Handleman:** No, I live in Ontario and I get mine from the same place.

**Mr. Reid:** The minister is shaking his head so I thought I had the facts wrong.

**Hon. Mr. Handleman:** Listen to your friend from Carleton East.

**Mr. Reid:** In any case, the only point I want to make is that apparently, at least so far, the Nova Scotia legislation has been *intra vires* the powers of the province and it has been used effectively in Nova Scotia. One can debate perhaps what the relative increase in price might have been without the legislation but most people seem to agree—if I am not incorrect again—the Financial Post seems to agree that the price of gasoline in Nova Scotia without the legislation on that province brought in would have been much higher than it is now, regardless of the price vis-à-vis Ontario.

I fail to see, Mr. Speaker, why Ontario has not moved in that regard because without that concomitant legislation I think the minister would agree the bill is largely a sham and is putting off the inevitable, unless the government is prepared to take some more concrete steps.

Really, Mr. Speaker, I'd like to confine my remarks to that one. We have to support the bill; it is 15 months too late. Obviously there is no sense going into the history of the Premier's confusion between the well-head price and the citygate price and so on but I think a serious shortcoming of the bill is the fact there isn't going to be any special investigation of the price, particularly in northwestern Ontario. I would ask that perhaps the minister give us some assurance today that his ministry at least is conducting its own separate study of the particular cost of gasoline and fuel oil for home heating purposes in northern Ontario.

**Mr. Speaker:** Does any other member wish to speak before the minister replies? The member for Scarborough West.

**Mr. S. Lewis (Scarborough West):** Mr. Speaker, I would like to add a few comments to the debate on second reading of this bill. Like others, they need not be extended. It seems to me there are three essential contexts to the bill and the first is conceptual.

On the conceptual context, the simple initiative of the freeze of the prices as they now stand, we applaud the government and it is for that reason we will support the bill. It was said immediately after the government initiative was taken that it had stolen some of the thunder from the New Democratic Party because it chose to intervene on behalf of the consumers and because it intruded on the rights of the private sector

in a way which is unfashionable for Tories to behave.

We don't mind the wind taken from our sails on occasion. As a matter of fact, we would encourage it happening as often as possible. Unlike some other political parties we exist not solely in terms of the lust for power. On the road to forming a government, parties sometimes make useful social and economic contributions and if one of them in this instance has been to encourage the Tories finally to intervene on behalf of the consumers of Ontario and to recognize that the rights of the oil companies aren't sacrosanct, then that for us is a measure of success and a good deal of pleasure as well. I begrudge it not for one moment.

The occasional little twitches in the direction of the democratic left which this government makes to salve its own conscience and to do useful things for society aren't something that stampedes us into anxiety. There is a whole world that still exists between what it believes and what we would do, and that will never be bridged. I am very pleased and my caucus is pleased that on this occasional instance, on this individual instance, this government has taken initiatives which, though they violate sacred Tory writ, are nonetheless in the interests of the public good and must therefore be supported.

I don't know how often the Premier of Ontario drew the distinction for us between the rights of the oil sector and the rights of Ontario Hydro or the rights of the natural gas sector, indicated at excruciating length and with the kind of arguments written on the heads of mediaeval pins. I don't know how often he said to us that he could not intrude or would not intrude on the private sector, that it operated differently from the public corporation on the one hand and the virtual monopoly on the other.

Finally the government succumbed. Common sense, logic and an imminent election drove it to succumb. It intruded on the private sector and imposed a freeze. I dare say the freeze will work so-called hardship, in the government's terms, on some of the oil companies. Some of them probably have only 85 days inventory instead of the 90 days and they will absorb the difference momentarily. That didn't stop the government because there is such political value in doing what it did. It is also protecting momentarily the consumers in Ontario after an endless battle on the part of the opposition parties to bring it to that point. That too is worthy of support.

The second context is obviously the political context. I don't doubt, as the Premier sat up all night and ruminated about what he might do publicly to retrieve favour or to respond to John Turner's budget, that he compared the 90-day freeze with Spadina in his own mind. He thought there was something so dramatic, so important for the public as a whole and so valuable in terms of the decision-making appearance for the Premier that this was an important step down the road. And I will tell him it may have been a terribly important step down the road.

I always have this curious personal wish to abstract myself, to disengage from the political process and somehow look on it from outside. If I were doing that, I would have to concede that the nadir of Tory political fortunes may now have passed, and that this bill is an important step in its gradual inching back and groping back to a position of political respectability—maybe not power again, but at least some public respectability. It may, in fact, be a very important bill in the elimination of the Liberal Party in Ontario as a serious contender. I don't dispute that either. This government may have done it, courtesy of John Turner, the ultimate irony of all.

I have wondered a number of times in the last 10 days or two weeks since the budget on June 23, as the Premier sat at that table back in April when the conference was held over oil and he came to the impasse, whether he could ever have dreamed of such a scenario. He must have hoped, he must have prayed and he must have fantasized about the possibility of John Turner doing something as stupid and destructive and damaging as he did, but he could never have believed it possible. Not in the wildest expectations of the Premier could he have imagined that the federal Liberals would become a direct political extension of his need to "do in" the provincial Liberals. It's really quite remarkable. I don't know whether the Premier has John Turner on retainer, but if he doesn't he should have, because he is the best bloody Tory of them all and he is doing quite a remarkable job on their behalf.

I don't want to detract from what the Liberal Party in Ontario is doing on the government's behalf. I have often felt that if they expended one-tenth the energy on their own behalf as they do to prop up the government in power, they might be a little better off; but alas—

**Mr. Reid:** The NDP are the ones who are propping up the government.



**Mr. Lewis:** I thought I would finally get a few interjections; I was hoping I would get one or two.

**Mr. Reid:** The NDP are the ones who are propping them up.

**Mr. Lewis:** You see, I am not so obsessive about power as the Liberals as the elusive dream comes—you know, the renaissance in February and the collapse in June. Only the Ontario Liberal Party could have fashioned that—and the Gallup was before the federal budget.

**Mr. Reid:** Keep hoping.

**Mr. Lewis:** I can't help but be pleased in my own way because it tickles my fancy, if nothing else, I must say.

**Mr. Reid:** The member for Scarborough West has no prospects himself.

**Mr. Lewis:** Our prospects are always perilous; I have never denied they are always difficult for us.

**Mr. Reid:** And the member's in particular.

**Mr. Lewis:** Thank God they don't have the heights and the catastrophic troughs of the Liberal Party's prospects in Ontario, with that lovely rhythm which they find so addictive. God bless them for their capacity for self-immolation.

**Mr. Speaker,** there is a third context which I want to put to the minister, and that's the economic context. I suppose, to paraphrase, I might say to him that all the perfumes of Araby won't wash the oil from his hands. What has happened, of course, is that this bill is a desperate effort to recoup what the government lost for the people of Ontario over the last 15 months.

I don't have to be overly repetitive about it, but it is true that the arrangements entered into by Ontario last year cost us jobs, lost us an addition to the gross provincial product, made arrangements for no review of the procedure whatsoever, resulted in an attack on the consumers like all the other attacks that have occurred, represented a capitulation to the oil companies and demonstrated a degree of colossal government incompetence.

The government really did a very bad job last year, and with some adroitness it is attempting to recover it now. But the economic blow which was delivered to the Ontario economy, courtesy of the failure of the Premier 15 months ago, may not now be recovered by his awakening in July, 1975.

It's a longer haul and road than that back to public respectability for the government.

This year, with the election looming and the government's need to find a target—and it found it; boy, the government knows a target when it sees one, and it identified it—we finally have this bill. The government had several alternatives, and it discarded most of them in terms of this bill. The minister could have brought in an energy tax credit to offset the federal legislative initiatives. The cabinet may well have discussed that behind the scenes. I don't know. The government has other tax credits; it seems a logical extension. The government may have discussed it and decided to discard it. An energy tax credit is an interesting mechanism as a way of offsetting the pressures on low and medium income groups. However, that was not the government's initiative.

The government could have decided in a reduction in the provincial gasoline tax. That, too, they probably discussed and discarded. I suspect because of its unequal applicability. It would be of some value to the consumers. It would be of particular value to commercial and industrial users. It may be that the simple reduction in gasoline tax didn't strike the government as a sufficient way of responding.

The government could have, we said to them at the time, considered an actual or equivalent rollback of the 10-cent excise tax, by applying the freeze at midnight, June 23, and forcing the oil companies to absorb the increased costs until the government had decided to consider an alternative policy. That consideration of alternative policy would have consisted of a careful pricing review over that 90 days, an open public pricing review, including the 10-cent increase in the excise tax. The government chose not to do that as well, for reasons I am not entirely sure of.

There was obviously a feeling in the Premier's mind, the Treasurer's mind, and, therefore, the government's mind, that a tax imposed federally, like the excise tax, should logically be passed on and should not be countered by the province. They obviously felt—and I say to them that they probably felt it in good faith—that the area of their response was on the \$1.50 a barrel. But apparently that was the extent to which they were prepared to go. We think they're wrong. We think they should have gone to the excise tax as well; that they should have done something as unorthodox and as dramatic as rolling back the excise tax until they had reviewed the entire price mechanism. They chose not to.



I believe, cynically perhaps, that part of the reason for their choice was the value of clubbing the federal Liberals by pointing to the fact that they had brought the 10-cent excise tax on, and it was probably politically useful that that tax be applied and felt every time the consumers go to the pump to fill up. So it both followed the government's ideology and served its political purposes, and anything that does both is perfectly acceptable to it. I tell them something—it would be acceptable to us as well, although we choose not to fight on the same grounds.

There is a feeling in the government that there be something constitutionally difficult about it all, and there is a feeling on the part of the leader of the official opposition that he would not have wanted the excise tax rolled back because of the confrontation which has developed with Ottawa, or would have been implicit in that in developing with Ottawa.

I want to say something about that for a moment. I am terribly concerned, I'm really terribly concerned, about the battle that is developing between Queen's Park and Ottawa at this point in history. This is a very difficult subject to get one's teeth into it, and it obviously has very little public application because most people don't worry about this kind of rhetorical confrontation, but we're very anxious about it. The Tories here have dug their heels in and applied to Ottawa, with the election in mind, a strident and histrionic rhetoric, legitimately angry, but wildly overdone.

The federal Liberals deserve a lot of anger. It was a stupid and insensitive budget. I cannot remember one which compares with it. I respect this government's response, but I say to the minister, and, therefore, to the government, don't drive it too far, because the implications for Confederation are severe. There are enough strains on this country already without a gratuitous confrontation from Ontario.

I don't know quite how one deals with it, and I really appreciate this government's position. I understand their right to say to me, "What the hell would you do?" Because, as a matter of fact, the excise tax application and the \$1.50 a barrel, and all of the indifference to consultation that that meant is exceeded even by John Turner in the refusal in the limits put on medical care insurance payments and in the phasing out of Ontario hospitalization in five years time. I mean, I must admit that, as a direct effort to dismember Canada, it's not Lougheed and Davis who have been in it up until now; it's Pierre

Trudeau and John Turner, and it really makes me anxious.

I was made even more anxious when I heard the Premier of Ontario say today that, therefore, we want tax point equivalents; that, therefore, we will opt out of and we will not even countenance any further cost-shared programmes in Ontario, given the behaviour of the federal government. Mr. Speaker, the federal government, as this bill represents, has been arbitrary, capricious and stupid. But shared-cost programmes are what have been used in this country to make it possible for people in the less advantaged areas to maintain minimum standards of health, education, social services, you name it. When the wealthiest province in Canada raises the red flag to the federal government and says no to everything, then we invite real damage to the country.

I say to the minister that at some point in some way we should cool the confrontation. I know it serves political advantage. This government has done it effectively; very well. It has tied the provincial Liberals into the federal Liberals inextricably; they will never get out now. We understand that, but now is the time to pull back. While admitting the irritation with their behaviour and indicating the damage to Ontario's economy, how about a statement of good faith which says: "Despite the behaviour of the federal Liberals, we still want to make it work, and we are prepared to continue to try?"

I appreciate that it is a tough position in view of the provocation, but I appeal to this government not to let electoral considerations determine its every word; and that, I think, is a fairly important point.

The final thing the government had available to it and that it decided to do, was a freeze in the economic context—a freeze which was designed to exhaust the inventories which exist—accompanied by the announcement that it would appoint a royal commissioner to make further recommendations.

Well, a royal commissioner is not the best idea, but it is an idea. Given the preoccupation of the Ontario Energy Board with the Hydro rate hearings, I suppose the government needed another mechanism, and the royal commission is certainly one of those mechanisms. So let's see what happens.

My colleagues, the members for Riverdale and Wentworth, have expressed obvious concerns about whether or not the royal commissioner can do the job. Maybe in 90 days

it will be possible. We are going to attend those hearings and watch them like an economic hawk to make sure that not all the information comes solely from the oil companies, but that there is a public interest and a public review entertained as well.

It is a pity that the government is stopping the freeze after 90 days. It would have made sense to use the device of the freeze to recapture the windfall profits that were made last year when the oil companies went beyond their inventories by some 70—well, I forget how many days it was, but it would have taken us through until the end of 1975, yet another Jan. 1, 1976, so that New Year's day might have become New Year's nightmare. I must say Jan. 1, 1976, is certainly a banner day, as many have pointed out before me, since every programme is destined to end at the moment in time.

We support the freeze. We hope that the royal commission leads to further reviews. We suspect the government will have no alternatives; that there will always have to be a mechanism of review now in Ontario. Even though the government has finally confronted the oil companies, we hope it manages to survive. And let us tell this government that if ever it needs some steel in its back or gold in its teeth when it is facing the oil companies, come to us. We will provide the ingredients, because they bother us not at all.

One of the greatest wishes in my life, which may never be realized—who knows?—is to bring upon the carpet of the Legislature the oil companies and confront them in the interests of the consumers of Ontario, something this government has never been prepared to do before. But with the sense of repentance brimming on the eve of the election, it is doing it now. Where energy policy is concerned, generally, the New Democratic Party parts company with this government on pretty fundamental grounds.

I think I want to say this, because it is important it be said in this debate at this time. We believe, and will forever believe, that the only way we will ever have adequate exploration, adequate security of supply, and legitimate prices south, north and for the consumers, is when we bring the energy resources of Canada into public ownership. I know that is a concept that would wilt the few remaining hairs on the head of the Minister of Consumer and Commercial Relations, but for us it is absolutely central to conviction.

**Hon. Mr. Handleman:** Conceptually, no problem; factually, it is.

**Mr. Lewis:** But all of this could be handled by the public ownership of the energy resource sector. There will never be a conclusive answer to the pressures of Alberta, the pressures of Ontario, the demands of Saskatchewan, the politics of Ottawa, OECD and the general helplessness which everybody feels in terms of the international oil cartels. The only way government is going to handle the indispensability of energy resources is through public ownership. Admittedly, it will have to be a Canadian initiative rather than a provincial initiative, but that conviction has to be put at this time.

There is something terribly offensive, Mr. Speaker, about taking \$100 million of Ontario's money and giving to Syncrude so that we put up 80 per cent of the capital costs and get 30 per cent of the equity. There is something wrong about that. The contributions of Ontario, Alberta and Canada by way of outright dollars, by way of tax concessions and by way of the ancillary services, pipelines, etc. reflect 80 per cent of the capital cost for 30 per cent of the equity. As democratic socialists, we say to government add in another 20 per cent and let us run it ourselves because it should be in the public sector. Then this kind of bill would never have to come before the Legislature.

The second point I want to make is that Ontario Hydro is a corporate animal which also has to be brought under control. It was a pleasure to see the budget today beginning to lean in that direction. I have no doubt now that the prediction that was made last week that the government is going to reduce the Ontario Hydro rate increase when it comes before cabinet was entirely accurate. I have no question in my mind that the Treasurer is accepting some of the arguments that have been put to him by the opposition. That too is as it should be as the government reluctantly but gradually defends consumers of Ontario.

Much has been made of the uranium industry in this province. That too should be in the public sector—the use of uranium in nuclear reactors, carefully appraised in terms of the lives of the men involved who explore for the uranium and in terms of the possible social cost to future generations.

Whenever I engage in an energy debate these days, I think to myself of my colleague from Sandwich-Riverside (Mr. Burr) and how much sense he is making, God bless him—day in and day out, seeming to be eccentric, seeming to be ahead of his time, looked upon indulgently and patronizingly by all kinds of members of the Legislature and the



media. But the reality is that his thrust for wind energy and solar energy is clearly the direction which the United States and even Canada will have to take.

If ever there was a man ahead of his time, it's the member for Sandwich-Riverside. Every time we get into a debate of this absurd kind where we spend all our emotional, intellectual efforts dealing with Imperial Oil, I know that he has got to be right because what is good for Canada cannot be good for Imperial Oil. It won't work that way; it must therefore work his way.

**Mr. Speaker:** I reiterate that we support the bill. It's not the best solution by any means, but it's an interim. It reflects crisis intervention, it reflects ad hocery, it reflects the pressure of an election, it reflects the desperate effort to retrieve public favour and maybe it will help in that regard. But in terms of the bill it is supportable. We would go further with it. We assume a permanent review mechanism flowing from it. We know that at some point the government is going to have to face the oil companies directly and not pay homage to them forever. But it has started, and when a party like that starts, it's like some kind of apocalypse. Who would have believed it possible six months ago? So how dare we begrudge it today?

**Mr. Speaker:** The member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I want to say a few brief words with regard to Bill 133 to price-freeze petroleum products. It is most unfortunate that we have to have put in the last few days a 10 cent excise tax on gasoline. It's regressive. It falls most heavily on lower income Canadians. It has nothing to do with the ability to pay or need to use. It makes no distinction between driving to work or driving to the golf club, or wherever one wants to go for pleasure driving. It's a most regressive tax.

We can't support that type of a tax, but since the government of Canada was elected to administer the tax to Canada then, of course, we accept it in the same way the people have been accepting the things that this government has been doing for the last four years and for which they are about ready to kick it out. So this is what we have to accept. It's a matter of fact that they were given the power in the last federal election and, as much as we dislike the tax they've put on, I think we have no alternative but to accept it.

I would just mention that before this government calls the election, Ottawa will prob-

ably put two or three cents on to the postage stamp or something, so the Tories don't have to worry. They generally do something like that when there is an election coming on in Ontario.

**Mr. F. Drea (Scarborough Centre):** They're the member's friends. He elected them.

**Mr. Ruston:** One doesn't need enemies when he has friends like that.

**Mr. Drea:** They're the member's friends.

**Mr. Ruston:** I don't know; Mr. Stanfield isn't such a great friend to this government. If I remember correctly—

**Mr. Drea:** He didn't put three cents on the postage stamp.

**Mr. Paterson:** How about the sales tax on building materials?

**Mr. Ruston:** Yes, the sales tax on building materials, for instance; there's the thing that Mr. Stanfield was always going to take off but this government here never did. So the party affiliations are quite remote in some areas, there's no doubt about that.

However, with regard to this, I would suppose that Mr. Turner gave the Premier another election platform. If members recall, back in 1971 when the Premier said that the Spadina Expressway was to be stopped and cities were for people, he said, in other words, to those people living in Oshawa and the city of Windsor and places like that, "We don't want your cars in Toronto. Get them to heck out." A lot of the people haven't forgotten that. They didn't think about it for a year or two, then they started thinking, "Is the Premier of Ontario saying 'We don't want any cars in Toronto'? How are we going to make a living in making them?"

**Mr. Drea:** Did the member write that?

**Mr. Ruston:** I know the member for Scarborough—what is it, east?

**Mr. Lewis:** Oh, Centre.

**Mr. Ruston:** The member for Scarborough Centre is a little hepped up right now about what I'm saying, but I'm just telling him the facts and he doesn't want to accept the facts.

**Mr. Drea:** I just don't want the member to be foolish.

**Mr. Ruston:** Of course, there is another way to save some gas. I understand that perhaps the only way Mr. Turner would remove



the 10 cents per gallon is if the provinces would agree to lower their speed limits to 55 mph. I understand this province is one of those which would not agree to lowering the speed limit when they were discussing this a few months ago in Ottawa.

I can say that to drive from my residence to Toronto and back is 432 miles. I will say that my car is a little hefty on gas, but if I drive what I would call the maximum allowable now—and I won't say what speed that is, but with the traffic—in other words, so I don't have big trucks passing me all the time; and we know what their speed limit is—I would use about 27 gallons of gasoline. Mind you, there are American cars passing me all the time. Their speed limit in the United States is 55 mph yet they drive up to 80 mph over here.

If I was to make that trip at 60 mph it would cost me 90 cents less than it did before the tax was put on. So there is one way of cutting down, but apparently the Minister of Transportation and Communications (Mr. Rhodes) is not agreeable to that. Maybe it's something we should be looking at.

I don't think the people will do it themselves, because I don't think any of us want to drive down a highway at 60 mph and have every truck on the road going by us at 70 mph. It's very annoying to have all these big trucks out in the left-hand lane passing all the time. So I don't think the people will do that. The only way they are going to do it is by legislation, and if we're going to legislate it would have to be a 60 mph limit in order to keep the traffic flowing evenly. That's an alternative, of course, to cut down on the use of gas.

It would appear that the excise tax was put on to discourage the use of gas because they allow a 10-cent refund to all those using gasoline who can claim it for income tax purposes. It is rather strange the way they put it on, and one sometimes wonders if one knows all the ramifications of what's going on.

I suppose also that we're not well informed about the actual amount of petroleum products in our country and in Alberta. I can recall going to Alberta in 1940 when oil was just starting to flow in the Turner Valley oil field at that time and they hadn't really got going at all in the Edmonton area where the big production was. It is interesting to hear different people's opinions as to how many years we have left, but I would suppose there may be a little more there than they try to let on.

With the income that Mr. Lougheed is obtaining now—\$3.37 a barrel—from royalties and tax, if the oil was to run out in 10 years, I guess they'd have enough to keep the province for the next 50 years. They have an income of about \$2 billion a year in royalties and taxes on their oil, so they're doing pretty well on that.

Mr. Speaker, it is interesting too that we are discussing this bill today, when the Treasurer has brought in a mini-budget and removed the sales tax on new car registrations, which has less as its object to try to improve sales of automobiles. Looking back to 1971, the Premier said, "Cities are for people." Now he's removing the tax on automobiles to say, I guess, "The cities are not for people, they're for cars."

At the same time, a lady who goes out to buy clothes for her children to go to school this September—and she may have three or four children—if they are a little large for their age, then she will have to pay the five per cent sales tax on all their clothing. It seems to me that clothing is just as essential as an automobile. I don't know the priorities here when the government takes the tax off a car and does not take it off essential clothing; I think one is as important as the other.

You have to have a car to get to work, and you have to have clothing to go to school. So one really wonders about their thinking here. I don't think one has much priority over the other one. I think one is as important as the other; they are both in the same boat. It seems to me that if they take it off the one, they should have taken it off the other one as well.

The other thing, of course, is that it will end in 90 days. I suppose one could go back to the decisions made by some of the parties years ago; some of those decisions were in force for 60 days. I think there was one in Ontario which had a little rhyme of some kind; Mr. Drew, if I remember correctly, had one similar to the one in Ottawa at that time. But this one is to remain in force for 90 days plus 60 days by approval of the Lieutenant Governor in Council. I suppose that would give him an allowance so that in case he does not call an election until the middle of October, they could extend it to the end of November.

The other thing is that all these things are ending up either in November or the end of December. One wonders what is going to happen on Jan. 1. I suppose this will be the first New Year's that the people aren't really going to want to celebrate—unless they just want to celebrate the last one; I don't know.

With all the things that are going to happen on Jan. 1, I'm afraid that the turkey dinner might not taste as well as it might at other times because of the way this is.

I certainly support the idea of freeze on the other five cents, but the confusing part is that so many people think that with a freeze put on, the gas will go back to the price it was before, but it doesn't affect the excise tax. It's quite confusing to many people, who thought the price would be going down to the original price it was two weeks ago.

Mr. Speaker, I don't think I care to go on any more right now. I would suppose that many of these things we could cover in a budget debate and since we have a new budget, a mini-budget, I suppose we'll get into discussions at another time.

**Mr. Speaker:** The member for Thunder Bay.

**Mr. Stokes:** Just for a few moments, Mr. Speaker, I want to put in yet another plea for the residents of northern Ontario. Inasmuch as we do welcome the freeze of five cents until Sept. 3, I think it's imperative—absolutely essential—that the commissioner, when he is dealing with the pricing and looking into the overall conditions in the industry at the present time in the Province of Ontario, that he deal with the situation in northern Ontario. When one considers that the differential, even before the 10 cents excise tax per gallon imposed in Turner's budget on June 23, was anywhere from 10 to 15 to 17 cents per gallon between the price that was being paid in southern Ontario and northern Ontario, this isn't going to make any difference at all to the differential. The differential is still there. And, as usual, the people resident in northern Ontario are still getting it in the neck.

**Mr. Lewis:** But not in the tank.

**Mr. Stokes:** Yes, not in the tank, in the neck.

This applies equally as well to the cost of home heating oil. Mr. Speaker, notwithstanding the freeze that this bill imposes, I have places in my riding now where they are paying 50 cents per gallon for home heating oil. There isn't a day goes by that I don't get a letter from a senior citizen or somebody on a fixed income saying, "Where is it going to end? When is the government going to intercede on our behalf?"

Now, this government should not think it is doing us a great favour by suggesting that there is just going to be a moratorium, not

a freeze, just a moratorium on an increase for 90 days. Because make no mistake about it, either on Sept. 30 or Nov. 30, or at the first possible opportunity, the oil companies are going to be in there with both feet in the trough trying to extract every last penny out of the consumer. If this government thinks that this interim measure is going to win it any political favour in the long run, I think it is deluding itself. The people in northwestern Ontario that I presume to speak for have been fed up to the teeth with the high cost of essential home heating oil and essential gasoline. I don't know how often we have to remind people here in the south how absolutely essential it is that we have gasoline and other petroleum products at prices that we can afford to pay.

When we consider that we have to go anywhere from 50 to 150 miles—in some cases 300 miles—just to drive to a hospital or to seek medical and dental attention, this government considers this as joy riding down here in the south. It is absolutely essential that this government and particularly this minister—the Minister of Consumer and Commercial Relations—understand that it is absolutely central to equity for people in the northern part of this province that they get a break with regard to the high cost of gasoline and home heating oil.

While we will support it, I consider this bill indeed too little too late. Gasoline in my home town right now, No. 2 gas, is 88 cents a gallon. We heard the member for Rainy River saying it was 91 cents a gallon in Ignace. Well, I can show the members places where people were paying \$2.50 a gallon. I phoned an official of the Department of Indian Affairs and Northern Development to ask if the 10 cent excise tax imposed by John Turner on June 23 was applicable. He said, yes, it was.

**Mr. Drea:** That's all right. The member for Essex-Kent is going to put it on postage stamps.

**Mr. Stokes:** I'm wondering just how serious this government and this minister is about protecting the interests of the people in northwestern Ontario, where we were paying 12 to 15 cents more than those people in the south even before the initiatives taken by Turner in Ottawa on June 23.

I don't think that this government is going to be off the hook simply because it places a moratorium on the proposed five to seven to eight cents a gallon that would have become effective some time this month. It's not going to be let off that easily. I would



suggest that if this government is serious in coming to grips with the high cost of petroleum products in the part of the province that I represent, it should insist that the commissioner be allowed under his terms of reference to go in and make an in depth and comprehensive analysis of the cost of the different components in gasoline and home heating oil that prevail in northwestern Ontario.

The minister and I engaged in a dialogue on this very subject when his estimates were in committee just a few weeks ago. I pointed out to him that an official from Imperial Oil said that the differential in the tank truck cost in southern Ontario and in the city of Thunder Bay amounted to 1½ cents a gallon. There are so many people who like to say, "You are farther north and it's inevitable that it will cost more for that kind of product in northwestern Ontario."

I don't accept that, because a good deal of the product that we get doesn't necessarily come from the refineries in Sarnia. A lot of it comes directly from the refineries out on the prairies. For anybody to suggest or try to justify the 10 to 15 cents per gallon differential between southern Ontario and northern Ontario by using the transportation costs as an excuse just won't wash. One can ship petroleum products by Trimac, by tank truck, by boat up the Great Lakes and by railway tank car. The cost isn't any more than 1½ cents to three cents a gallon any place in this province. If anybody suggests the transportation component is the culprit in this differential, we just don't buy it. We know about railroads and we know about transportation costs. We're not going to accept this as an adequate argument for the differential.

It is simply the case that we are being ripped off. I think it is the responsibility of this minister to make all of those people, right from the wellhead to the pump, justify each and every increase. If he does that, I think he will find somewhere along the line that somebody is getting far more than his fair share at the expense of people in northern Ontario.

As long as we are paying 88 cents a gallon for gasoline in northern Ontario at the present time while they are paying at least 10 cents a gallon less than that east of the Ottawa line, we, the consumers in northern Ontario, are singly subsidizing the offshore petroleum products going to all of the consumers east of the Ottawa line. Why should we in northern Ontario subsidize those living east of the Ottawa line to a much greater

extent than any place else right across the whole country? When the federal government imposed the \$5 per barrel royalty, presumably to ameliorate the high cost of offshore oil, that applied equally to us in northern Ontario, but to a much greater extent. If we were paying only as much as they are for the more expensive offshore oil from Venezuela and from the other OPEC countries, we would have accepted that in northwestern Ontario. But we are actually paying 10 cents per gallon more in northwestern Ontario than they are paying in Cornwall, Ottawa and Montreal, notwithstanding the fact that oil is coming from offshore at the world price. We are actually paying 10 cents a gallon more in northwestern Ontario than they are paying for the more expensive offshore oil. How do I explain that to my constituents?

This minister more than any other minister of the Crown has the responsibility to insist on monitoring the price of gasoline and home heating oil as it affects the consumers in northwestern Ontario. We welcome this, but I think that he, along with the Minister of Energy, should insist that the commissioner do an in-depth very detailed and very comprehensive study of all of the components that go to making the cost of gasoline along the northshore of Lake Superior 88 cents, the cost of gasoline 91 cents and even more in some of the other communities in northern Ontario; and home heating oil, at 50 cents a gallon, anywhere from 10 to 15 cents a gallon more than the people are paying here in southern Ontario. If he really wants to be serious about doing something for the consumers in northwestern Ontario, he can do no less.

**Mr. Speaker:** Does any other hon. member wish to speak to this bill? If not, the hon. minister.

**Mr. Lewis:** My goodness! What perfect timing!

**Hon. Mr. Handleman:** Thank you, Mr. Speaker. I am not too sure I am going to get finished. Members may have to come back to hear my concluding pearls of wisdom.

The Leader of the Opposition started off and very grudgingly said his party would be supporting the bill. I was pleased to hear that. As I said in my opening remarks, I am somewhat surprised at that, in view of the praise that has been leveled at the federal budget by some of the members of that



caucus, but we are pleased they will be supporting this bill.

There was some suggestion, as the Leader of the Opposition did say when the bill was first introduced and when the Premier made his statement in the Legislature that the question of Hydro was relevant to this situation. Of course it is not. Hydro has made a proposed request for an increase. The request will be heard in public. It will be supported by some facts and opposed by others, and public interest will be served by that process. In this situation, no such process took place. We were suddenly faced with this vast increase without any options.

As to whether or not the commissioner will recommend a continuing monitoring, as requested by the member for Riverdale and repeated by his leader, I think it is somewhat premature to give that assurance to the House. The terms of reference are at the moment fairly broadly drawn. Within those terms of reference, it is my view that the commissioner can look into a variety of courses of action. He will recommend those which, in his opinion, are best suited to the situation. I also assume that he will be looking into heating fuels, since that formed some element of the criticism of the Leader of the Opposition.

I was very concerned about the comments of the Leader of the Opposition about balkanizing Canada, and this was commented on by the member for Sarnia too. I just want to remind the Legislature that it was the Premier of Ontario who first called for a national oil policy and first called for a meeting of the first minister to discuss this problem. In fact he first focused attention on the fact that it was a developing problem.

I do not wish, and I am pleased that most members did not take the opportunity, to turn this into a full debate on energy policy, because that is not what the bill involves. It is a temporary bill and I quite agree it was brought in in a crisis situation, a crisis brought about by actions not of our making.

On the things Ontario has tried to do is to minimize the divisiveness, which has been mentioned by the Leader of the Opposition and the member for Sarnia, by reluctantly accepting the 1974 increase. It's quite possible, with the benefit of hindsight and with a little less trust in the goodwill of the federal government, we might not have gone along at that time.

I was very interested, as I always am, in the comments of the member for Scarbor-

ough West because he articulates his party's position so well. I'm particularly pleased by his approval of what he sees as the conceptual basis for the bill.

We may argue as to the concept. We accept this as crisis legislation, ad hoc-ery, no question about it. We had to respond quickly to a very serious situation which arose unexpectedly and very quickly. We do not categorize the oil companies as the villains of the piece. We think they are caught in a squeeze; they are caught between the demands of an appetite for revenues in Ottawa and the consumer interest and the interest of the economy of Ontario. In there, somehow, the oil companies have found themselves.

Certainly they have objected to what we are doing. On the other hand, they are law-abiding people. I quite agree with the member for Riverdale when he says this Legislature can't control the multinationals completely; but they have addressed themselves to the problem after their initial reaction to it. For the most part they have been co-operative in supplying information to us. They have promised us they will co-operate in every way they can to enable the freeze to work. We took the step; and it may very well have been politically advantageous, but we took it because it was the right thing to do at this time.

We were criticized for things like the land speculation tax and the land transfer tax which apparently were not politically advantageous. But we made those moves and I supported them because they were the right thing to do at that time and they worked.

It would have been nice if we had known last year that we were going to be in this position this year, as the member for Scarborough West says. It is too late to go back to that now, but I wanted to explain one of the reasons. We did think of acting on the 10 cent excise tax; I think I should explain our position to the hon. member, because I think he is sincere in saying we should have rolled back to the point of midnight Oct. 23, 1974.

The Department of National Revenue in Ottawa has created for itself—or the Minister of Finance has created for it—an administrative nightmare which ties the excise tax to end use. I don't see how one could possibly, under the—

**Mr. Lewis:** To end use?

**Hon. Mr. Handleman:** To end use; to the end user. The excise tax will be charged

at the manufacturer's level. The end user would receive a rebate of the excise tax which he pays, depending on his proof of end use. If we were to roll it back it would mean there would be a 10 cent a gallon excise tax paid to the federal treasury and no rebates paid whatsoever, since nobody would have paid that tax in Ontario. To me that would be a complete rape of the consumer and the economy of Ontario. It would simply not be justified if we were to give that windfall revenue to Ottawa.

We still think it can be negotiated, notwithstanding the adamant stance taken by the federal Minister of Finance. We will still continue to meet. I don't think we have refused. It may very well be we are frustrated by the kinds of attitudes which we perceived in Ottawa, but even today the Treasurer called for two additional meetings to discuss matters which arise from the budget.

I think we want to continue the dialogue with Ottawa. We will try to restrain some of the frustration we feel, because every time we do talk to Ottawa the answer is no or simply the back is turned on us.

The member for Riverdale asked me to give him some assurance there would be a continuing review; again, Mr. Speaker, I don't feel I can commit the commissioner to that recommendation. It may very well be the only option open to us, as the member for Scarborough West has said, but I don't think I am in the position to make that assurance. The question of energy policy is not my portfolio.

This bill is my responsibility and I would say to the member for Wentworth the reason it was given to me is we do have some associations with the gasoline stations, particularly through our energy safety branch. We have inspectors going in there and we are, of course, responsible for protecting the consumers of Ontario.

The member for Rainy River brought up the northern pricing policy problem, and I must say the member for Thunder Bay had brought it up previously in estimates. He had pointed out in some considerable detail the problems which do arise in northwestern Ontario. Again, I don't believe this bill pretends to be an attempt to meet that particular problem.

I also want to say right now that if there is a rip-off—and we have looked into it since the estimates—it is not a rip-off by the large oil companies. The large oil companies are selling their gas to their customers in northern Ontario at a reasonable price compared

to southern Ontario, having regard to the freight differential or the location of the customer. To us, the problem appears to be—I think it will manifest itself when we issue the report on northwestern needs—the question of low volume and lack of competition at the retail level. The service station owner and operator must make a living in the north the same as anyone else.

**Mr. Stokes:** Because of lack of competition?

**Hon. Mr. Handleman:** There appears to be a lack of competitive forces to keep the price down. There appears to be a need to keep the price high so that the individual service station owner can earn a living wage on a limited volume. Therefore the mark-ups, and I think the member for Rainy River pointed this out, are considerably higher than they are, say in southern Ontario or eastern Ontario.

I am getting somewhat parochial for the moment and I want to point out to the member for Thunder Bay that the north-west is not subsidizing eastern consumers any more than the rest of Ontario is; and there is no question whatsoever that the rest of Ontario is.

**Mr. Stokes:** They pay more.

**Hon. Mr. Handleman:** They are paying more, but it is not going to that subsidy. It is going to the service station operator as far as we have been able to determine. It is not going to his supplier and it is not going to the oil company, so the money is staying in the north. It isn't a consumer rip-off.

I wanted to point out again, because of the Nova Scotia situation, that it was brought out that the people in Nova Scotia have higher prices than the people who are buying off-shore oil in eastern Ontario and Quebec. We do not feel the Nova Scotia experience is anything for us to emulate.

As far as the member for Essex-Kent is concerned, I wanted to point out to him that if the price of postage is increased by the federal government, we may take action under the Business Practices Act, because if ever there was an unconscionable business transaction it would be an increase in postage at this time.

**Mr. Ruston:** I wish somebody would. I just got a call from him and he said he was not going to do it.

**Hon. Mr. Handleman:** Under completely false pretences of being able to deliver the

mail they would be charging more for it, and I think we would take some action.

I also want to point out that one of the reasons US drivers in Canada drive 80 mph is that they are doing the same at home, notwithstanding the fact there's a 55 mph speed limit, they are driving at those speeds there. The only reason they ever obeyed that law was for patriotic reasons at a time when there was a shortage.

**Mr. Ruston:** The minister is misleading the House. The people in the United States are driving within the limit.

**Hon. Mr. Handleman:** The 55 mph speed limit has been rejected by my colleague, the Minister of Transportation and Communications, as representing any kind of a conservation measure which would be acceptable to the people of Ontario or even effective in any way.

Mr. Speaker, it does seem there is unanimous support for this bill. I would therefore

like to conclude my remarks by saying I hope there will not be extended debate in committee.

Mr. Speaker, thank you very much.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 133, An Act to provide for an Interim Freeze in the Price of Certain Petroleum Products.

It being 6 o'clock, p.m. the House took recess.

### Erratum

No.	Page	Col.	Line	Should read:
92	3572	2	17	the dissolution of the Environmental Hearing Board and to replace it with the Environmental Assessment Board.



## CONTENTS

### Monday, July 7, 1975

Supplementary actions to budget, statement by Mr. McKeough .....	3673
Superannuation adjustment benefits legislation, statement by Mr. Winkler .....	3680
Pension adjustments for teachers, statement by Mr. Wells .....	3680
Supplementary actions to budget, question of Mr. Davis: Mr. R. F. Nixon .....	3681
Housing programmes, questions of Mr. McKeough, Mr. Irvine: Mr. R. F. Nixon, Mr. Lewis .....	3682
Committee on education costs, question of Mr. Wells: Mr. R. F. Nixon .....	3685
Spending revisions, questions of Mr. McKeough: Mr. R. F. Nixon, Mr. Stokes, Mr. Lewis .....	3686
Pickering airport, question of Mr. McKeough: Mr. Deacon .....	3687
Mortgage funds for housing, questions of Mr. McKeough: Mr. Lewis, Mr. Sargent .....	3687
Interest subsidy programme for housing, question of Mr. Irvine: Mr. Lewis .....	3688
Supplementary actions to budget, questions of Mr. McKeough: Mr. Lewis, Mr. Shulman .....	3688
Health ministers' meeting, question of Mr. McKeough: Mr. Lewis .....	3689
Energy prices, question of Mr. Davis: Mr. P. Taylor .....	3690
Stoney Creek, Saltfleet township budgets, question of Mr. Beckett: Mr. Deans .....	3690
Windsor provincial public building, question of Mr. Snow: Mr. B. Newman .....	3691
Pulp and paper company expansions, question of Mr. McKeough: Mr. Stokes .....	3691
Ontario lottery, question of Mr. Davis: Mr. Sargent .....	3691
Municipal budget reviews, question of Mr. Beckett: Mr. Deans .....	3692
Disposal of Kitchener buildings, question of Mr. Rhodes: Mr. Good .....	3692
Gasoline prices on Highway 401, question of Mr. Davis: Mr. Burr .....	3692
Spending revisions, question of Mr. McKeough: Mr. R. S. Smith .....	3692
Unemployment, question of Mr. McKeough: Mr. Lewis .....	3693
Highway service centres, question of Mr. Rhodes: Mr. Ruston .....	3693
Mortgage rates, question of Mr. Irvine: Mr. Lewis .....	3693
Safety hazard at CPR crossing, question of Mr. Rhodes: Mr. Spence .....	3694
Superannuation Adjustment Benefits Act, Mr. Winkler, first reading .....	3694
Petroleum Products Price Freeze Act, Mr. Handleman, second reading .....	3694
Third reading .....	3720
Recess .....	3720





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, July 7, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 7, 1975

The House resumed at 8 o'clock, p.m.

## MINISTRY OF COLLEGES AND UNIVERSITIES AMENDMENT ACT

Hon. Mr. Auld moves second reading of Bill 109, An Act to amend the Ministry of Colleges and Universities Act, 1971.

**Mr. R. Haggerty** (Welland South): Mr. Speaker, I would have thought perhaps the minister, putting this forth at the present time with a committee meeting downstairs and the education critics being there dealing with a similar bill, would wait until that committee got through first. There might be some major amendments he wants to bring forward from that committee meeting downstairs.

**Hon. J. A. C. Auld** (Minister of Colleges and Universities): Mr. Speaker, my understanding is that on second reading we're dealing with principle. We're dealing with Bill 109 and Bill 108; the two bills, as the hon. member knows, are parallel. There will be a number of amendments; as a matter of fact there are already to Bill 108. There are no amendments to Bill 109 because Bill 109 is the one that has the provision for the Crown Employees Collective Bargaining Act apply to the—I can tell the hon. member if he'll listen to me rather than asking his friend.

**Mr. Haggerty**: He's my adviser.

**Hon. Mr. Auld**: The member is in desperate straits.

**Mr. I. Deans** (Wentworth): No wonder he is so ill-advised.

**Hon. Mr. Auld**: After hearing his comments this afternoon about postage, the member is in desperate straits.

Bill 109 really is housekeeping. Bill 108, in principle, parallels Bill 100, and as I say I now have a number of amendments to be presented when we get to committee of the whole House. I would hope we might get second reading, approval in principle, to which I understand everybody has already basically agreed.

**Mr. Deans**: Is that it?

**Mr. Speaker**: The hon. member for Wentworth.

**Mr. Deans**: I think in general terms people do agree with what the minister's proposing here. It wouldn't be his intention to take this bill into committee, I don't imagine; so he might, if he would, give us a clear indication, which isn't contained in the explanatory note, of exactly what the bill does.

**Hon. Mr. Auld**: I don't know, Mr. Speaker, that I can paraphrase the explanatory notes.

**Mr. Deans**: No, I wouldn't want the minister to paraphrase it. Why doesn't he expand his thoughts on it somewhat? We have lots of time.

**Hon. Mr. Auld**: I'd rather expand when we get to Bill 108 because I've got a little expansion I could do there

**Mr. Deans**: Yes, but it really ought to have been dealt with in the other way. Bill 108 should have been dealt with before Bill 109.

**Hon. Mr. Auld**: I suppose so if one is thinking metric. It really doesn't make a great deal of difference. I hope the—

**Mr. Deans**: The fact of the matter is Bill 109 by itself is of no value because Bill 108 is the substance. Why doesn't he just tell us that? The substance of what's going to occur is contained in Bill 108 and Bill 109 simply puts it into force.

**Hon. Mr. Auld**: That's right.

**Mr. Deans**: Thank you very much.

**Mr. Speaker**: Does the minister wish to make an opening statement?

**Mr. Deans**: No, he's finished. Thank you very much, Mr. Speaker.

Motion agreed to; second reading of the bill.

**Mr. Speaker**: Shall this bill be ordered for third reading?

Agreed.

**Mr. Deans:** That is, of course, subject to the passing of Bill 108, which is in some doubt at the moment considering we outnumber the Tories.

### COLLEGES COLLECTIVE BARGAINING ACT

Hon. Mr. Auld moves second reading of Bill 108, An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

**Mr. Speaker:** The member for York Centre.

**Mr. D. M. Deacon (York Centre):** Mr. Speaker, I was certainly pleased to see this legislation brought forward to place the faculties of these Colleges of Applied Arts and Technology in the same position as any faculty should be. I haven't the notes I prepared for Bill 100, but since this bill is very much patterned after that I would like to make one or two comments I feel are important in this case.

First of all, there is the whole question of involuntary participation. We want to be sure it is not set out in such a way to discourage voluntary participation. By saying that if they work to rule it constitutes a strike, in effect we start toward assignment of voluntary work. It's not the good spirit we should be developing in the relationships between faculty and administrative staff.

Another point I wanted to bring forward was the matter of the appointment of the commission. In the appointment of the commission, I think there should be the opportunity for each party to have a right of veto over a panel of appointees that the government proposes, in the same way a jury panel is selected. In this way, we could be sure the commission members have the confidence of both parties. I think that this is essential in order to be sure that the Colleges Relations Commission is not set up in the traditional way. In an arbitration board you have one representing one side and one representing the other side, and in effect the decision then rests upon the chairman. Every member of the College Relations Commission should have the confidence of both parties. That is one of the principles of the jury system we all believe in. I think that would work well in these appointments.

I notice that it is also suggested the commission have its chairman and vice-chairman designated by the Lieutenant Governor in Council. I would suggest that if we do appoint the commission in the manner I have

suggested, that they—like a jury—would have the right to select their own chairman and vice-chairman from among their number. When it comes to the terms of office, I think it is a good idea to have the rotation system suggested here. The members would be appointed for a term of one, two or three years, so about one-third retire each year.

However, I think it's important that, as we have done in some other commissions appointed by the province, no appointee may hold office for more than two complete terms; or maybe two terms plus one year, or two terms plus two years. As the minister knows, we have had problems with boards of governors of these colleges in that some people just stay there practically as a lifetime career. The ministry did bring in a system whereby it's a maximum, I think, of eight years.

**Hon. Mr. Auld:** Three terms.

**Mr. Deacon:** Three terms. That is three terms of how many years?

**Hon. Mr. Auld:** Originally three, for a total of nine years.

**Mr. Deacon:** A total of nine. I think it is the same principle here. Terms of three years, or a total of nine years, might work all right here. But I would hate to see this going on indefinitely with a commission, because I think it is important to have the change that comes with one-third new appointments every year; and also the fact that some of them really are new appointments.

Those are the main points that I raise in a cursory look at this bill. On the whole, it certainly does bring the element of fact-finding into play, which is so important. It starts to ensure that there is less delay and less procrastination in getting at negotiations, which I think is also important. The idea of the selector, where we have final offer selection, is a process that is provided for here and one which I think is going to come into increasing favour on both sides as it emphasizes reason. On the whole, we certainly support the measure the government has taken in this bill.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** Having studied this bill at some considerable length I want to tell you that we're not too unhappy with it, Mr. Speaker. It depends a lot on the objectivity of the College Relations Commission. If that commission is established and set up in such a way, and if it follows the proper procedures



in the gathering of information and the monitoring of negotiations and final bargaining positions, the actual contracts that occur within the province, then it can be very useful. The one thing that has to be guarded against in any established group is that it draw any bias into its statements to the various parties. We have to be sure the College Relations Commission does fully understand the reasons certain negotiated positions are arrived at, not only that they are arrived at but what went on prior to arriving at these positions.

What I'm saying is that during negotiations there are any number of points which come up for purposes of discussion. Quite frequently, in one set of negotiations one particular factor, or two or three factors, are weighted more heavily than others. It may be the decision of one particular group to offset an item in favour of one particular aspect of the negotiations and not place emphasis on another part. When the commission is reporting, it has to be careful that it weighs up the reasons why certain matters have been emphasized by certain boards or by certain negotiating committees, that it not jump to the conclusion that because a particular point was not emphasized in one set of negotiations, that point is not of some major importance in another set and that just simply the outcome of the negotiations doesn't necessarily reflect the conditions surrounding the negotiations as they took place.

I think we have to make sure that whatever terms of reference or whatever general feeling that we give to this commission, that it appreciate it's not just simply good enough to look at the final agreements and to compile statistics with regard to them, which might well show that certain monetary or non-monetary items appear to have been of prime concern, but rather that it look seriously at the entire negotiation that took place to determine whether something which may well have been of some major importance in the beginning has been let go in favour of something which turned out to be more important in the end. I hope I'm making sense to the minister. Perhaps it isn't as easy on the floor in the Legislature, but I don't think that simply statistics alone necessarily tell the story of the negotiation process.

I think it works very well, and I'm pleased the minister and the government have seen fit to provide for a fairly wide range of opportunities for the settlement of the dispute, and that the minister has seen fit to say to both parties, in the event that one of the available non-strike avenues is working, the opportunity

to go on strike is there. But I hope, along with the minister and I think with most people in the House, that the majority of people in community colleges would never have to use it; that they would be sufficiently sensitive, both on the part of the Council of Regents and the board of governors and on the part of the employees' representatives, to the educational requirements of the province that both parties would be eager from day one to find solutions.

There is another party in all of these negotiations, and I think this is something we all have to understand about negotiations in education at this point in the Province of Ontario. The other party to all negotiations, though it doesn't sit at the negotiating table, is the government. While the employers' representatives might well want to settle, they may find, because of the restrictions placed on them as the result of the grant structures, that they are not able to come to a satisfactory agreement. So I think the government should pay particular heed to the patterns that are developing within the various community college structures. I think the government and the ministry, without influencing directly, or indirectly for that matter, should pay particular heed to the patterns developing so they can gauge their grant structure in accordance with what will bring about satisfactory settlements. I think that's really where it's all at.

The community colleges in themselves really don't have the necessary private or independent financing to be able to set up their own standards for negotiation purposes. I think what we've seen and what we'll likely see at some point—I'm guessing and I hope I'm wrong—is a situation in community colleges, as we've seen fringes of it from time to time, not unlike what we saw on education just a year or 1½ years ago, where the negotiation process was somehow diverted because of the indirect influence that was placed at the table by a party that didn't really sit at the table, and that was the government.

So I think what we have to do, in addition to the College Relations Commission making representation to the parties involved about the general state of negotiations within its particular sphere of influence, is to have the commission making representation to the government. And the government shouldn't be using that for the purpose of changing the Act or in any way restricting the process, but should be using it to try to monitor whether or not the dollars that have to be available for the ongoing continuing

education level are made available through whatever the grant structure is to be. Because I think if it's going to fail at all, and I hope it doesn't, it's more likely to fail in that area than in any other.

I'm also kind of intrigued by the suggestion that the opportunity is there for application by an employee organization to the OLRB for certification. I think that's an excellent move. I think the sooner we regularize the negotiation process and certification process in the Province of Ontario within one general framework, the more likely we are to have achieved some kind of equilibrium in the negotiations, no matter in what sector they take place. I don't think we need separate out one class or one sector of employee from another. I think that employees in the Province of Ontario who have negotiation rights, collective bargaining rights, require basically the same kinds of freedoms and, out of necessity, the same kinds of restrictions as all other employees who have collective bargaining rights. While some people might think because their job is a little different, because they wear a white shirt rather than a blue one or because they never get dirty, somehow or other they have a different view or a different status and therefore require some special kind of negotiation procedure, my guess is that in the long run negotiation works better if there is an overall umbrella of regulation which governs everyone and everyone understands it.

**Hon. Mr. Auld:** The member is on both sides tonight; he has both colours.

**Mr. Deans:** I have both colours but that's an act of my wife; it's nothing to do with me. She buys the stuff; I wear it. I didn't tell Norm Webster that, by the way; but it doesn't matter, he doesn't read the Hansard anyway.

I think that is important. I think if the government is going to have, if it is going to be somewhat enlightened about the negotiation process—I want to speak as someone who has been involved in it for a long time, although I hadn't really intended to talk on the bill, as members can well guess—because as someone who has been involved in it for a long time, it seems to me the broader the scope the better chance there is for a settlement, rather than the reverse, as has been practised by the government until now when it tended to narrow the scope.

I have a feeling that in negotiation the best possible law is the law which allows collective bargaining to take place in all matters which affect employer-employee relations and

that nothing be ruled out in terms of sitting down at the bargaining table and discussing them. That doesn't mean there will ever be an agreement on it. It doesn't mean it will be something which will ultimately end up in the collective bargaining agreement; but I think that as employees sit down at the bargaining table, if they have a sense of frustration about either their place of work, the conditions which surround that place of work, the way in which their personal lives are affected by the rules and regulations of that place of work or if they are somehow concerned about their future—the future of the job they do or their future as they go on to retirement—they don't do the kind of work and they don't produce to the same level they ought to and they are capable of producing.

I have always felt, contrary to the arguments which have been put across the floor to me, that we should begin by understanding that collective bargaining goes on every day of the week and in by far the majority of collective bargaining situations there is a resolution of the problems. The commonly held figure is 96 per cent—and I'm not sure if that is accurate today—in 96 per cent of all collective bargaining negotiations which take place, a settlement is arrived at.

If we recognize that in the private sector there is very little if any restriction placed on the matters which can be raised at the negotiating table, I think we've got to learn something from that. While the system isn't perfect—but again, what is perfect?—it allows the employee and the employer to raise matters which if not raised could cause a considerable amount of discord and disruption.

It may not be obvious. We may not see people walking around with placards over their shoulders. We may not even notice that they are not producing to their maximum. But if they are going in there, day after day, and if they are either upset because of the conditions under which they work; worried about the fact that their wages aren't keeping pace with inflation; concerned about ceilings imposed by the government; worried about the inability to negotiate on superannuation; concerned about their tenure or their right to continuation of employment and they are unable to talk about these things, for whatever reason, their productivity, no matter how we measure it—and we don't always measure productivity in the number of widgets produced—their productivity, the enthusiasm they display in the classroom or the lecture room, is diminished. I really do urge the minister in whatever responsibilities he



ever has in collective bargaining—and it applies to this bill as it does to any other—that he try, at least for a period of time, to open it as wide as it can be opened. I suspect, and I think I'm probably right, having done it, that he'll find, once given the opportunity and once having got over the newness of it and sorted out all of the nuances and problems that develop, the system will work infinitely better than it worked previously. When I say that I support this kind of legislation, I really do support it. I'm not just saying it and sort of mouthing it across the floor to the minister.

I happen to think if we are going to create a better kind of environment in the work place then it is going to require perhaps three changes in attitude. It's going to require a change in attitude of the employees. I think it is fair to say that employees are going to have to recognize that not everything they want to achieve can always be achieved at one time. I think, generally speaking, that is the case.

Secondly, employers have to realize that this government, notwithstanding its antipathy toward collective bargaining, isn't going to eliminate collective bargaining in the Province of Ontario; that in fact it's going to strengthen it, it believes in it, and feels it is worthwhile.

I think if the government makes a check, and I'm sure it has already, it will find, almost without question, employers would rather be engaged in a collective bargaining process than trying to operate without any employee organization representing employees. That has been said to me many times and I think it probably is true almost across the board.

The third thing is that there has to be a general sense that the government, in establishing whatever power it has in terms of money, in terms of the provision of the funds to carry on the job, is going to make sure that the money is available in sufficient quantity but only in sufficient quantity, to be able to ensure that all of the normal requirements of the employee in his place of work or her place of work are met.

I think if the government does those things and if it establishes once and for all that there is going to be collective bargaining in the Province of Ontario, that it is going to be open, that the scope of it is going to be as wide as it can possibly be, that it will be unrestricted, and that the fact-finding commission will be doing not only a job of statistical compilation but will be doing a job of ensuring that the background that

provides the necessary information for the statistics is also made available, then I think this kind of legislation can be really worthwhile. I think the government will probably find in the long haul that it will have fewer problems—and there haven't been many—in collective bargaining, whether it be in colleges, whether it be in education, as is being discussed downstairs, or whether it be in the general civil service or even outside in the private sector.

I think the government should take the lead. The government has a responsibility to take the lead. It shouldn't wait until there is another crisis and other legislation is brought forward as a result of some conflict arising. I think the government should take the lead and provide the kind of leadership in ensuring that collective bargaining can take place. If that's done, then I don't see that we'll have any more problems in this province, given that there are always minor disruptions.

**Mr. Speaker:** The member for Windsor-Walkerville.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Speaker, I would like to make a few comments concerning Bill 108 and express my concern that the hon. minister has introduced the bill at this time for second reading. Unfortunately, quite a few of the members of the social development committee who are dealing with the companion legislation to this, Bill 100, are now in the social development committee attempting to resolve the differences of opinion concerning Bill 100. The differences are substantial. Representation there is being made by all of the boards of education involved, plus the various affiliates of the teachers' federation. Naturally this doesn't deal with teachers' federations but it deals with the community college teachers, and the principles in here are fairly well the same as those that are in the companion legislation. Quite a few amendments are being proposed down there and, Mr. Speaker, I think the minister should have waited until those amendments had gone through the social development committee and then, where possible, incorporated them in his bill.

Mr. Speaker, one of the areas of concern both in Bill 100 and now in Bill 108 is the area of co-curricular and extracurricular activities. You will note, Mr. Speaker, that that has been changed in the reprinted version of Bill 100. It has been eliminated as such; its interpretation comes under the functioning of a school or schools, or school



programmes, so you have exactly the same thing in there.

How the minister can come along and legislate that one cannot withdraw services that are voluntarily given, I don't know. If they are voluntary, Mr. Speaker, then the individual should have the right to withdraw his services at any time. By inserting this clause in here, the minister is going to find that any teacher on the community college level volunteering now to participate in extracurricular activities is going to hesitate to take part in them, because once you get yourself involved you can no longer sort of withdraw from participating in those extracurricular activities.

Mr. Speaker, I really wish that the minister hadn't brought this bill up for second reading at this time, but had waited until the social development committee had completed its resolution of Bill 100, so that any suggestions and changes that were made in there that were proposed to this bill could have been implemented or introduced by the minister.

There are many other areas of concern, Mr. Speaker. These areas of concern will be brought up when the bill comes up for reading through the committee of the whole House.

I am very much disturbed that the minister is not sending this bill through standing committee in the same fashion that Bill 100 is going through it now. By bringing it into the committee of the whole House, Mr. Speaker, the minister is preventing the contribution of many members who have had the opportunity of working on Bill 100 in the social development committee. When this bill does come in, Mr. Speaker, you can rest assured that many of the members from the downstairs committee are going to come right in here and this bill is not going to have as easy-going a time as the minister anticipated.

**Mr. Speaker:** Does any other hon. member wish to speak to this bill? If not, the hon. minister.

**Mr. Deans:** The minister is going to change that, isn't he?

**Hon. Mr. Auld:** Mr. Speaker, first of all, perhaps I should have said at the outset that I have a number of amendments already which stem from the discussions that have taken place in the social development committee study of Bill 100. I intend to introduce those, as I think I mentioned briefly,

when we get to committee of the whole House stage.

The specific question that the hon. member for Windsor-Walkerville mentioned concerning extracurricular activities has been sorted out. I should say that I have had two meetings with the committee of the Civil Service Association that dealt with the draft of the bill, and I think it is accurate to say that we have resolved all but perhaps two or three major policy questions—one having to do with supervised ballots; a couple of other things like that—which are basic principles.

I don't propose that we bring this bill to committee of the whole House until they have substantially completed the work that is going on downstairs. Because while this is not exactly the same situation, as all hon. members realize, there are a number of parallel situations, and perhaps, depending on what the House leader is deciding, we might be able to deal in committee with certain parts which have been agreed upon in the standing committee on Bill 100. Depending on the timing and so on. I wouldn't propose to complete the bill until such time as Bill 100 has been completed.

The hon. member for York Centre was talking about the work-to-rule question and that, too, is one which we have resolved by removing that section. Without getting into detail, we have sorted that out to our agreement and that of the Civil Service Association.

Perhaps the two matters of principle that have been raised this evening are ones I should comment on. One is the makeup of the commission. I think it's fair to say that there is still some disagreement on the part of perhaps some members of the Council of Regents as far as the colleges are concerned, and some members of the bargaining unit. There is still a feeling that the structure should be sort of three partisans from one side, three partisans from the other side and an independent chairman. Of course, the whole purpose of Bill 100 and Bill 108 is to take a new approach—and I think it is possible in a province of seven million people—to finding half a dozen people, or whatever number, who are not directly partisan as far as the education process is concerned, as far as the administration of that education process is concerned and as far as the financial support of the people who are in the system is concerned.

I really believe this kind of an approach can work if we can find a group of people who are looking at the broad picture.

**Mr. Deacon:** What about the jury panel selection approach?

**Hon. Mr. Auld:** This may well be a way to do it. And, of course, I think the question of tenure is very important. It's in some ways a bit like the Ombudsman. You have got to give some kind of security so that people can be reasonably independent.

**Mr. Deacon:** I am not thinking about once they have been appointed and they are there. I am thinking about the selection, to be sure that we do have people who are agreeable to both parties.

**Hon. Mr. Auld:** We are dealing, as far as the colleges are concerned, with two bargaining units, the support staff and the academic staff, so we are probably talking of no more than two negotiations a year.

The commission envisaged in Bill 100 deals with 200-odd school boards, and it will be busy the whole time. I would think that it may well be that we would have the same people, or at least almost all the same people perhaps, on that commission, because as far as the colleges are concerned I would think that would be a very small part of their work.

As far as the Ontario Labour Relations Board is concerned and the comments of the hon. member for Wentworth, I think I know what he was getting at, but as far as we are concerned the whole approach in Bill 108 is that the community college staff, those in the bargaining unit, whose positions are negotiable, are employees of the Council of Regents and of the boards and are not civil servants. They are not subject now to the provisions of the Crown Employees Collective Bargaining Act.

**Mr. Deans:** Although they are subject—

**Hon. Mr. Auld:** I think I know what he was leading to, and he can discuss that with my friend the Chairman of Management Board (Mr. Winkler), who deals with the civil service, because I think we are talking about different things.

**Mr. Deans:** Yes; they are, of course, subject to the budgetary policies of the government.

**Hon. Mr. Auld:** Oh yes, and I think that—

**Mr. Deans:** That is what I mean, they sit at the bargaining table, but one of the parties that is really involved isn't there.

**Hon. Mr. Auld:** No, that party is right in here. I don't think we can ever have a position where any group can supersede the judgement of this Legislature in terms of money.

**Mr. Deans:** I agree; that is why I was eager that there be some kind of mechanism whereby the ministry would monitor what was happening.

**Mr. Speaker:** Perhaps the dialogue might wait until the committee of the whole.

**Hon. Mr. Auld:** I would hope that, through the commission, there will be that kind of continuous monitoring in terms of comparison. In fact I think that's set out in part VII.

**Mr. Deans:** In section 27, but not only statistical information, because that doesn't tell the whole story.

**Hon. Mr. Auld:** I think there's a proposed amendment for section 27, as a matter of fact, to take out something that was rather—

**Mr. Deans:** I am sorry; section 57.

**Mr. Speaker:** Perhaps these details might be clarified more satisfactorily in committee of the whole House.

**Hon. Mr. Auld:** There are a number of amendments that have been discussed downstairs and some that we have worked out ourselves. When we get to committee I think there should be general agreement.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand this bill is to be referred to committee of the whole House and it is so directed.

#### ONTARIO TRANSPORTATION DEVELOPMENT CORP. AMENDMENT ACT

**Hon. Mr. Rhodes** moves second reading of Bill 105, An Act to amend the Ontario Transportation Development Corp. Act, 1973.

**Mr. Speaker:** Is there an opening statement by the minister?

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Mr. Speaker, if I can repeat what I have said earlier on this, in order that the newly created Urban Transportation Development Corp. can assume the activities and projects currently carried on by the Ontario Transportation



Development Corp., it is necessary that the powers be provided to the Ontario corporation to allow it to dispose of its assets and liabilities and for the Ontario government to receive securities from a company called the Urban Transportation Development Corp.

This latter company has been created under the Canada Corporations Act. The amendment being proposed would allow the OTDC to transfer almost of its current property to the UTDC, whose ownership, like the OTDC, is restricted to provincial and federal governments. These steps are considered desirable to allow other governments, such as Alberta, to purchase equity in the corporation. It is also necessary to ensure the establishment of a nationally based corporation.

With the authorities provided by this amendment, the transfer of assets and liabilities from the OTDC to UTDC can proceed. The Urban Transportation Development Corp. will be then in a position to complete negotiations for the sale of shares to the governments of other provinces and the government of Canada.

You will recall, sir, that Mr. Gillespie proposed to invest in this corporation and sent a proposal to all provincial governments early in December in which we had agreed that OTDC would become the nucleus of this national corporation. Since that time, a number of further discussions have taken place and this amendment in the corporation's status is necessary to accommodate such other government involvement.

**Mr. Speaker:** The member for York-Forest Hill.

**Mr. P. G. Givens (York-Forest Hill):** Mr. Speaker, I wish I had a copy of the statement the minister has just read, because all I have had to go by was the explanatory note in the bill.

There were those of us who felt back in June, 1973, when the OTDC Act was passed, that the Act was redundant and unnecessary. There were those of us who were prescient enough to think that the whole concept was overblown; that all the trademarks, all the inventions, all the rights and all the euphoric splendour that was conjured up before us—that all these things weren't going to happen. We didn't believe the picture that the minister painted for us at that time was realistic.

We didn't believe that we had the world by the handle of the slot machine and that all we had to do was pull and the jackpot was going to fall into our aprons. We didn't

believe that because we had world rights we were going to sell in South America, Central America, black Africa, Asia and all over the place. We felt at that time that about the only reason the Ontario Transportation Development Corp. was set up was for the purpose of creating jobs for some backbenchers and some people who were underemployed and that it wasn't going to create a great deal else.

We weren't far wrong, Mr. Speaker, because in the final analysis even the kiddie-car ride that the minister proposed at the exhibition came a cropper and now it's restored to pasture land, which the CNE has been for some time.

Now, roughly two years later, the minister proposes to bring in an Act in which he wants permission to transfer assets from the Ontario Transportation Development Corp. to other corporations, provincial or federal, to other provinces of Canada or to Her Majesty in right of Ontario or to Her Majesty in right of any other provinces in Canada or of Canada itself.

What I want to know is what assets and what liabilities are there? I would imagine there are more liabilities than there are assets right now although the minister assured us in so many places and particularly at the time of the estimates that there were hardly any liabilities at all; that everything had been paid off, there was nothing outstanding, and he was going to cash in on all the technological advances made by Krauss-Maffei. He also announced in the House those great ventures into the future he was going to make with the expenditure of another \$6-odd million; he was going to have a prototype train and eventually, by and by, everything was going to be hunky-dory.

If that is so, if the minister intends to work himself out of this morass because the Krauss-Maffei company has had the rug pulled out from under it and the Ontario Transportation Development Corp. is going to go it alone and develop this intermediate transportation system on its own and it's going to become a viable system, why does he want to dispossess or divest himself of these assets? Does he simply want to divest himself of some of the assets? Is it merely a matter of selling some interest to Mr. Gillespie or some interest to the government of Alberta or some interest to some other government?

If he is merely thinking of selling some interest to some other government, why hasn't this problem come up before? I have been under the impression the minister had these rights under the existing Act, the



Ontario Transportation Development Corp. Act, and he could allow other governments to come in and buy a piece of the action under the present setup. Why does he seek a new company?

I would simply like to see, with the present state of affairs—everything pretty well winding down and the future very much in a fog—whether or not he is going to have a viable system in a few years, discounting or forgetting about the election for the moment. It would simply be a matter that if he winds up with nothing more than he has now he's no worse off than he is now; if he winds up with something the minister, whether it's he or his successor in office, can have the assets and dispose of them, deal with them, fool around with them, trade with them, sell them, dispose of them, divest himself of them, sell off half of them or do whatever he wants with them as he pleases.

Why should it be necessary now to set up this state of affairs under Bill 105? I'm not really satisfied with the minister's explanation, unless I missed something in his rapid reading of his statement as to why it is necessary to go through this rigmarole now; any more than I was satisfied at the time he established the OTDC in the first instance. I would like the minister to satisfy us as to why he's doing this in the light of the circumstances unfolding over the past five or six months. Three or four months ago he made the announcement in the House of what he was going to do, including the expenditures of \$6 million to proceed with the technology he feels he has salvaged from the Krauss-Maffei experience, having regard for the fact the company is not proceeding with the intricacy situation but is proceeding with the intercity intermediate capacity system. OTDC is going it alone and there's been no progress made that has been announced up to now to lead us to believe a great breakthrough has been made or that any great progress has been made.

What is the necessity for this at this particular time? Why doesn't the minister wait to see what develops? At the present time let the present company handle the state of affairs as it is. Or let the minister and his department handle it and let it go at that, rather than setting up a new monstrosity of some kind, which again he may have to unlimber, disconnect or dismantle a year or two or three from now. Why does the government always hastily run into assembling big monstrosities and big pieces of machinery that the ministry finds, to its embarrassment, it has to disassemble later on, that it has to

take apart? Wouldn't it be better to see to it that the ministry has something to do business with before it rushes into these things?

The minister would be doing us a great favour if he would satisfy us as to the real reason for doing this. Why it is necessary, in handling the assets and the liabilities of the company as it stands now, to set up the situation that the minister seeks in Bill 105? My colleagues and I are not satisfied this bill is at all necessary under the circumstances, for the reasons that I have indicated.

**Mr. Speaker:** Does any other hon. member wish to take part in this debate?

**Mr. Deans:** It would seem rather foolish to take part if the minister is prepared to reply to the questions that have been asked, since they seem to be the questions that ought to have been asked.

**Mr. Speaker:** The hon. minister.

**Hon. Mr. Rhodes:** Thank you, Mr. Speaker. I think the hon. member should first recognize one very important factor. The Urban Transportation Development Corp. already is, in fact, a corporation under the Canada Corporations Act. It has been formed and is presently there. I regret the hon. member was not privy to my statement, because the statement that I made is exactly the same statement I gave on first reading of this bill. No change at all. He would have had the opportunity to have read that statement at the time I moved first reading of the bill, which is some time back. I can't understand why he wouldn't have been familiar with that.

First of all, let's touch upon why we are forming the new company. The new company, as I have said already, has been formed. I think it goes without saying there is a tremendous amount of value to be had in allowing the company to become Urban Transportation Development Corp., so that it will allow other jurisdictions to come into this company, without this being Ontario Transportation Development Corp. I don't have to go into those details for the hon. member. I am sure he is well aware there will be much more ease, I think, in accepting this corporation in other jurisdictions in Canada by having it less Ontario oriented.

We have the Province of Alberta, which has already indicated they wish to be a part. We have the government of Canada, through Mr. Gillespie and others, Mr. Danson for example, stating they feel there is a lot of value in forming an Urban Transportation

Development Corp. We have had discussions with both of these gentlemen and they both are on record as having said they will participate in an Urban Transportation Development Corp.; so that we will, in fact, have a national corporation, and not simply one province, with the other jurisdictions taking part in conjunction with that province.

We understand the Quebec government has been reviewing its position with respect to participation, and we anticipate that they will in fact be participating in this corporation. Other provinces have indicated a general interest in participation, but further negotiation will be necessary before anything firm can be stated with them.

Our view is that if we can take this present existing company, UTDC, and transfer to it the assets and the liabilities of the present OTDC, these other jurisdictions can become involved and can do so in a very active way.

The hon. member asked about the assets that are available. There is cash available. The designs for the light rapid transit systems, the buses, the contracts for both buses and LRT, the technology related to the intermediate capacity transit system; these assets will be exchanged for shares at full value.

We have already had the shares evaluated and a price set on them. To the best of my knowledge it is a price that is acceptable to those jurisdictions which would like to take part in the corporation. The other governments interested in taking part in this corporation have indicated they would rather participate with a federally chartered company as opposed to one that is only chartered in the Province of Ontario.

I think it is only fair, Mr. Speaker, that I draw to the hon. member's attention that if he will check the OTDC as it now exists, he will find there are no—and I repeat no—members of the Legislature who serve on the OTDC, none. He referred to jobs for backbenchers; there are no members of this Legislature at all involved in the Ontario Transportation Development Corp.

Regarding the money we have said will be expended in continuing with the experiment that was terminated by the West German government, I said at the very time of the termination of the contract with Krauss-Maffei we would continue in an effort to develop the particular technology so that it might be applicable to an urban transit system. I have also said that should we ever

reach the point where we feel the technology does not have an application, we would terminate that particular programme. Nothing has changed in that at all. The Ontario Transportation Development Corp. knows full well that that's the situation under which it operates at the present time.

I must say, Mr. Speaker, that the hon. member—and I understand his reasons—continually tries to give the impression that the Ontario Transportation Development Corp. has no purpose in being other than the development of a magnetic levitation system. That is not correct at all. I suspect the hon. member well knows that. That was one part of an overall transit programme announced by the Premier (Mr. Davis) some years ago. It involved all kinds of aspects of development of transportation, not the least of which was the funding programme this government has gone into.

We are not committed to one particular mode for the development of magnetic levitation. We are committed, and will continue to be committed, to the development of transit systems of any kind that will solve the transportation problems that exist today in our major urban municipalities and in some of the smaller municipalities as well.

So, Mr. Speaker, the new company is being formed for the reasons that I have outlined to you, specifically in order to have other jurisdictions become involved. They have asked that this particular corporation be a federally chartered company. We think that's a reasonable request and that's the reason for the bill being before the House today. I repeat again, the Urban Transportation Development Corp. already is a company that is chartered under the Canada Corporations Act.

One of the other points that I should make to the House is that the Ontario Transportation Development Corp., for example, has prepared the specifications for the double-decker cars for which we will be calling tenders for our GO Transit system. To say that we are specifically involved in one particular mode is just not correct, it is not correct. I cannot say any more emphatically than I have said here in the House, and I have said publicly elsewhere, that to try to say that the Ontario Transportation Development Corp., or for that matter the Urban Transportation Development Corp., is limited to one specific mode is just not factually correct.

We are interested in one thing and one thing only, and that is to develop all types



of varieties of transit systems that can be applied to our urban communities, both large and small, that will meet the needs of the various communities for transit purposes.

**Mr. Givens:** Mr. Speaker, may I ask the minister in what other ways these other jurisdictions that he's mentioned—the other provinces, and particularly the federal government, which has not indicated any national urban transportation policy as yet that I have been able to ascertain—have manifested their interests in this Urban Transit Development Corp.? Are there any provisional, temporary or permanent directors of any kind? Have they put in an application for any share capital of a provisional nature? In what other way have they manifested their interest other than this prefatory or offhand way of saying, "We think that we will be interested"? Have they given any concrete manifestation of their interest by putting up one of their ministers or one of their principal people as a director in the company? Do they have any status in this particular company at all?

**Hon. Mr. Rhodes:** Mr. Speaker, the federal government certainly has indicated its interest. I have been in a number of discussions involving the Hon. Mr. Gillespie who is keenly interested in seeing this developed. I think as the hon. member knows, the federal government has invested a considerable amount of money in the development of the linear induction motor, for example, which is being developed, and quite successfully, by Spar here in the Toronto area.

I couldn't agree more with the hon. member when he says that the federal government has developed no urban transportation development system. The federal government hasn't developed a transportation system of any kind, urban or otherwise, in this country. I think he's probably referring—and I appreciate his giving me the opportunity to comment on it—to the national transportation policy presented in the House of Commons not too long ago by Mr. Marchand.

What the federal government has done is provide three industrial development grants to the OTDC. It has provided funding for this and it is very interested in the development of urban transit facilities in Canada. The federal people want it to be a national corporation and we agree—it should be a national corporation, involving as many of the provinces as possible, taking part in the development of these systems which will apply not only to Metropolitan Toronto but Vancouver, Edmonton, Calgary, Montreal,

Halifax and the other major cities of the country.

We really believe we have been the catalyst in the development of interest in transit development in this country. We respect and we appreciate the interest of the federal government and the other provincial jurisdictions. The formation of this company will give them an opportunity to take part under the terms they feel are important and that is, that it be a federally incorporated company.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 105, An Act to amend the Ontario Transportation Development Corp. Act, 1973.

### HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Rhodes moves second reading of Bill 127, An Act to amend the Highway Traffic Act.

**Mr. Speaker:** The hon. member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, with regard to Bill 127, we certainly have no objections to it. I think I should read into the record the explanatory note because there are some people interested in it who may want to refer to it at some time. I imagine it would be helpful in a number of cases if that was put on the record for most bills. This is quite brief, so I'll read it.

All motor vehicles other than school buses are prohibited from bearing the words "school bus." Further changes to section 120 of the Act are to the effect that municipalities are given the authority to designate school bus loading zones within which zones school bus drivers are prohibited from actuating red flashing lights. The driver is also prohibited from stopping the bus for purposes of loading or unloading across from a designated zone. Power is given to the Lieutenant Governor in Council to pass regulations in respect of signs, markings, etc., of the designated zones.



That, Mr. Speaker, of course, is a new part of this bill; the other is they still are not allowed to put lights on where there is a traffic light. That's really all there is in this bill, Mr. Speaker.

I assume when the roads are properly signed for these loading zones the oncoming traffic and so forth will be aware of this. It might be a little difficult for a short time but with the proper signing I would hope it would work satisfactorily. It would be up to the municipalities to put in the loading zones and designate the areas of the loading zones.

**Mr. Speaker:** The hon. member for Wentworth.

**Mr. Deans:** Thank you. I think there has been a sufficient amount of discussion on the whole matter of school bus safety in this House over the last four or five years. I don't propose to spend a great deal of time reiterating what many of us have said previously. The member for Windsor-Walkerville has spoken on it a number of times, as have other people.

I think one of the questions I have with regard to it is this: We see a number of what are ostensibly school buses used for general transportation purposes. Quite frequently school buses are rented and used for transporting other than school children on extended trips. I'm curious to know what effect all of the legislation has, including this legislation. It says:

No motor vehicle, other than a school bus, shall bear the words "Do Not Pass When Signals Flashing" or the words "School Bus."

That restricts anyone from using a bus like that for general purposes but it doesn't restrict the owner of that bus from using it for other than school bus purposes.

I didn't get an opportunity. I must confess, as this isn't an area that I have the responsibility for, to cross-reference section 1(2)(1c), which is deemed to be interpretation, with subsection 1a which it is intended to interpret for. I am curious to know what is meant by saying:

For the purposes of subsection 1a, a motor vehicle shall be deemed to be a bus if it is or has in the past been operated under the authority of a permit issued in pursuant to section 6 for which a bus fee was paid.

At what point in the Act does it state that if a permit was paid for but has since expired the bus is no longer operative under this section?

What I'm thinking about is that there are a great number of school buses sold for purposes of groups who use them to transport children on Sundays and Saturdays and other times to other parts of the province. What this says is, "if it is or has been in the past operated under the authority of a permit issued pursuant to section 6." It's quite conceivable that there are buses on the road which have been in the past operated pursuant to a permit issued under the authority of section 6 but are no longer used for nor are they within the ambit of any permit, if the minister follows what I'm saying. I would like to be assured that the Act itself takes care of that particular problem, if it is indeed a problem.

The reason I raise this, to be quite frank, is that all too often in this House we take things for granted. We ought not to. Quite frequently, time doesn't allow the opportunity to review all of the Act that goes along with the amendment. To read it literally means that bus need only have been at one point a school bus which operated under the authority of a licence. It then for some reason or other seems to comply with the provisions of subsection 1a; I wouldn't imagine that that is what the minister intends. I certainly do hope that that isn't what the Act implies. But one never can tell, so I ask it of the minister just so that we can be sure.

I am also curious to know, while I am on this topic of school buses, what the response has been with regard to the Act which we passed some time ago and which is complementary to what we have before us. It dealt with the colour of buses. I wonder whether subsection 1c in any way allows for a bus which does not comply with the colour regulations as we passed them to continue in operation as a school bus simply by virtue of its having at one point been authorized or licensed under the Act. I'm not sure about that section.

I just do wish now that I had had more time to look at it. The bill has been before us for some time, since June 26, but like everybody else we have a lot of other things to do. I didn't intend to talk on it. I'd like the minister to cross-reference it for me since I can't do it by myself, and tell me whether or not that section in any way negates any of the sections that we passed, or weakens any of the sections that we passed some months ago that related directly to school buses and which gave a certain amount of uniformity to them across the Province of Ontario.

The whole matter of the signal light, the stopping, the safe transportation of children, has always seemed to me—and I realize there is a cost factor involved and I realize there is a certain amount of aggravation and time—but it has always seemed to me that the only way to be sure that small children in particular get across the road safely is not to rely on the mechanical devices of a school bus, but rather for the driver to see them from one side to the other.

I appreciate that that may be something that may be out of our jurisdiction at this point—not outside our jurisdiction but it may be something we may not deal with tonight. But I don't care how many flashing lights you put in and I don't care how carefully you mark the bus—how large the letters or how carefully you write them on and how beautiful it looks—the problem is simply that, kids being what they are and drivers being as they are and generally speaking it is carelessness rather than intentional in both cases, you come across any number of accidents.

I think at some stage in life we're going to have to change the whole system. I think that school buses should have to stop in an area adjacent to, or should drop children off on, the side that they are supposed to be on. Alternatively they should transport them across the road safely to make sure that they get to where they are going. You can't account for the carefree attitude of kids, Mr. Speaker, and when they do things, it's always too late. There is a great hue and cry all the time.

I'll tell you something else that bothers me while I'm on the topic, Mr. Speaker. I'm never terribly impressed by the mechanical safety—at least, the outward appearance—of many of the buses that pull into the back parking lot here at Queen's Park, transporting children from all parts of the province to visit us here in this marvellous chamber filled with members of the Legislature. I often feel as I look at them that the tires could stand a bit more tread and I really wonder at times about the safety procedures used in checking out these vehicles. I had complaints, as the minister can probably recall, some months ago, maybe ranging up to eight or nine months or maybe even a year ago, about the general standard of safety which goes hand in hand with what we're doing, because it is all related to the safety of the children, and the procedures used in determining the mechanical fitness of the vehicles.

I wonder if the minister could take a moment, since we have some time tonight,

to address himself to that aspect of school bus safety. He might take a moment to tell us just exactly how careful the ministry is in checking the safety certificates against the safety checks and how many inspectors he has across the province who carry out the function of spot checks on school bus fleets and how carefully they inspect them.

The reason I ask it of the minister is because I know in my own area there are two or three school bus operators. The drivers take the buses home with them and keep them there all weekend and they do this throughout the school year which is the time we're primarily concerned about. I've often wondered how the minister's inspector ever manages to catch those buses in the spot checks. I've wondered just how many of those buses are even actually spot-checked given that probably half of the fleet—and in all three cases, it's a substantial number—given that half of that total, which will run into a number of hundred, aren't even on the premises of the owner for days on end. I would just like to know a bit about the background of it.

**Mr. Speaker:** The Chair would concede that the points raised by the hon. member are very interesting—

**Mr. Deans:** Are interesting, yes, I thought so myself.

**Mr. Speaker:** —but they do not apply to the principle of the bill. The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Speaker, I want to make a few comments on the bill, ask the minister a few questions and maybe put forth a few suggestions for the minister's consideration.

In the first instance, I wanted to ask if the buses that are used today in transporting students to daycare centres or to nursery schools—quite often they use just a mini-van or a glorified camper with additional seats, or they even use station wagons, vehicles that quite often carry a wooden sign on the top, "School Bus"—are in a category that would fall under the ambit of the bill that we are now discussing? If they are, I think that some of the requirements of those buses, those mini-buses, so to speak, should be quite similar to those of the larger-size buses.

I also want to ask if the minister has considered identifying school buses as to the latest date of inspection so that the parents and/or the students riding the buses know that the vehicle has been inspected recently and is a safe vehicle in which to ride. My



thought is maybe to have an annual vehicle inspection plate that could be fastened on so that the parents would know that the vehicle has been inspected and is safe within a reasonable period of time.

I know that simply because a vehicle is inspected today it doesn't prevent something happening to it tomorrow on the road, and there could be quite a serious accident. But we in Essex county who have had quite a few unfortunate experiences with school buses are probably a little more concerned with the safety of the school bus than are maybe other areas of the province that have not had those experiences. In fact, less than two weeks ago, a young girl stepping from a bus was struck on the highway and killed. I can't necessarily blame the driver of the bus for this, but it certainly indicates that there is something wrong somewhere when such incidents still occur.

Another suggestion I would make to the minister is, is there any merit in requiring a dome light, somewhat similar to what we have on police vehicles? Those lights that either rotate or blink on and off quite rapidly and use a high-intensity light bulb are extremely noticeable, visible and attract attention very quickly. When one sees the flasher on a police car one has no difficulty identifying that vehicle. I don't know what type of colour we would use for a dome light or some light that would have a little stronger bulb in it than is presently on school buses blinking at the back end. I know they now have lights at the back end, but if this dome light was on the centre and high enough so that drivers two or three vehicles behind the bus could actually see the bus, their vision wouldn't necessarily be obscured by the vehicles in front of them.

I wanted to bring these various items to the attention of the minister and I hope he can reply to them.

**Mr. Speaker:** Does any other hon. member wish to take part in the debate?

**Mr. Deans:** I was right on the point.

**Mr. Speaker:** The hon. minister.

**Hon. Mr. Rhodes:** Thank you. Mr. Speaker, the bill before you is really just amending the original Act that we presented earlier this year on two specific points. Number one is the creation of the school bus loading zone that the member for Essex-Kent referred to. What we have determined is that as a result of requiring the buses to flash their lights when loading or unloading stu-

dents, regardless of what the speed limit may be and regardless of where they may be, we recognize that we were creating a rather severe problem in certain parts of the province—in particular, in the areas of larger schools. There might be 10 to 15 buses in front of that school either to unload or, perhaps more to the point, load students after school. You could conceivably have buses sitting in front of this particular school for half or three-quarters of an hour. Under the law, as we had originally introduced it, these buses would have been required to have their school bus lights flashing, which would have necessitated and required by law that all traffic coming in either direction would have been required to stop.

I think you can appreciate that we would have been creating a rather unacceptable situation, in particular in many of the urban areas—for that matter, in some of the suburban areas as well. So what we are doing here is saying to the particular municipalities, "If you have such a problem in your community and you recognize and identify that problem, we are hereby giving you permissive legislation that you can designate a school bus loading zone. You can put up the proper signs, which will allow all of these buses, whatever the number may be, to park in that zone and not be required to have their lights on for that time."

It does require them to be on the curb side immediately adjacent to the school so that there is no possibility, we would hope no possibility, of an inadvertent accident taking place. They would be coming from the school directly on to the bus, and vice versa.

I think a good example that all of you are very familiar with is the Royal Ontario Museum here in Toronto. You see many numbers of buses stopped out there waiting for youngsters who are taking a tour. Under the old Act as we had it, they would have been required to keep their school bus lights flashing and the traffic tie-up on Avenue Rd. would have been something to behold. You could have been out and watched that with a great show of interest. So we think we have solved that particular problem. It is permissive for the municipalities in this area.

The other pertinent section is the wording as it relates to the colour of the buses, and the hon. member for Wentworth has referred specifically to section 1c of the Act. It actually strengthens the section that we had in the former Act, and what it says—



**Mr. Deans:** Would the minister read 1a for me? Does he have 1a?

**Hon. Mr. Rhodes:** I am sorry—1a? What we are saying, and perhaps the definition of a school bus is really what the member is looking for, is it?

**Mr. Deans:** Yes, I will tell the minister why I want him to read it—I can't find it.

**Hon. Mr. Rhodes:** All right.

**Mr. Deans:** I wanted to find out the purpose of section 1a. Now would he read 1a to us?

**Hon. Mr. Rhodes:** Right, I will read all of 1a. It says: "No bus, other than a school bus, shall be painted chrome yellow." But what we discovered was that if a bus had been used as a school bus, then as we have defined a school bus, a company or a person could sell a bus that had been used for a school bus to a private individual, who, in turn, then changes the design of the bus and turns it into a camper or whatever it may be. Although it was not designed as a school bus, it would still have chrome yellow and black markings on it.

What we felt we should do, and what we are proposing to do in this legislation, is to change the Act to say that any vehicle that has ever been a school bus cannot retain those colours of chrome yellow. So that if a bus in fact were sold to someone after it had lived out its years as a school bus, and an individual purchased it for some other purpose—a camper or whatever it may be—that person could not operate that vehicle; in fact, could not get it registered. When he came into the office to have it registered, our records would show that it had been a school bus, and that person would not have it registered until such time as he had changed the colour of that bus from chrome yellow to whatever colour he wanted to paint it.

That is in order to protect that colour as a school bus colour. I think that section strengthens our desire to have chrome yellow as a school bus colour, and it would require that only a bus that is a school bus would have these particular colours. I am sure the member is aware we have vehicles with these colours on them, running people back and forth to construction jobs. We want to eliminate that particular feature.

**Mr. Deans:** What about the use of school buses for other than school bus purposes?

**Hon. Mr. Rhodes:** Yes, a school bus can be used for other purposes provided the

school bus sign is covered and the lights are not used; they cannot have a sign on it saying it is a school bus.

We don't feel we should prevent the school bus operators, who have large investments in their fleets, from using these buses for charter purposes and what have you, but they must cover up the signs that say a particular bus is a school bus and must not use the lights as a school bus uses them during those times.

**Mr. Deans:** Is it permissible to call it a school bus if it is bringing some children from Port Perry, say, to Toronto? I drive on the highway almost every day and I pass school buses—

**Hon. Mr. Rhodes:** Yes.

**Mr. Deans:** They have a piece of masking tape diagonally through the school bus sign, and that is supposed to tell me that's no longer a school bus. Is that adequate? Is that all that's required?

**Hon. Mr. Rhodes:** Well, let me answer that question in two ways. First of all, if a school bus is being used to transport school children from Port Perry to Toronto, or any other community to Toronto, then in fact it is a school bus and it is transporting children for the purpose of education or whatever it may be. Therefore, it is a school bus.

**Mr. Deans:** Do all the rights of that Act still pertain to that bus?

**Hon. Mr. Rhodes:** Yes, that's correct. However, if the school bus has the sign covered—and I am not suggesting that x-ing out is adequate; we feel that the school bus sign must be totally covered—it can then be operated for charter purposes and not be required to abide by the requirements of the school bus section.

**Mr. Deans:** Will the minister permit one other question and it won't have to go to committee?

**Hon. Mr. Rhodes:** Yes.

**Mr. Deans:** Can the minister tell me whether it is necessary for a school bus to be painted yellow?

**Hon. Mr. Rhodes:** No, Mr. Speaker, it is not. Well, I want to qualify that too, because if it is in fact a school bus, by the definition of the Act it must be painted chrome yellow. However, a bus that is not painted this colour can be used for the purposes of transporting

school children, but it is not a school bus within the meaning of the Act. I give as a good example the TTC buses here in Metropolitan Toronto that are used for transporting children to and from school. These buses can be used; however, they are not equipped with the flashing lights, they are not yellow in colour, they don't necessarily have the school bus signs on them and therefore they are not classed as school buses within the meaning of the Act. So yes, a bus painted in a colour other than chrome yellow can be used to transport children.

**Mr. B. Newman:** How about the station wagons and vans that are used to transport students, especially nursery school children and retarded children?

**Hon. Mr. Rhodes:** One of the things that we have said in the definition of a school bus is that it must be one that carries 10 passengers or more. That's the first requirement for it to be defined as a school bus. We recognize that station wagons and small vans are being used in various areas of the province for transporting children, in some cases on feeder lines to regular school buses and in others directly to the school.

We have said that if such vehicles carry fewer than 10 passengers, they do not come within the definition of the Act as a school bus. However, they are required to have the school bus sign on them for the purpose only of identification.

**Mr. Deans:** Well, I am sorry. I have another question. Given the nature of the Act, is it then possible for all school bus operators to paint their buses red and pink and then transport school children, without having the provisions of this Act enforced at all? What the minister is saying to me is that a bus need not be yellow. If it isn't yellow, it doesn't have to have the signals but it can still transport school children; therefore, the school bus operator, in order not to have to comply with the Act, need only paint his bus blue. He can still transport children, enter into contracts with school board and use his bus for multiple purposes.

**Hon. Mr. Rhodes:** That's correct.

**Mr. Deans:** Well, what has been accomplished if that is all he needs to do to avoid the Act? What the minister has done on the one hand is he has said that school buses need special protection, and the reason isn't because they are school buses, it is because they transport kids back and forth from their home to the school. If, on the other

hand, the minister is telling me that if the bus isn't yellow it can still be used to transport kids back and forth but it no longer has the protection of the Act, the school bus operator can then say, "Okay, fine. I'm no longer a school bus operator. I'm a general-purpose bus operator. I have buses for the purpose of transporting people and children, being people, are entitled to ride on my bus. I'm going to enter into a contract with the school board and I'm going to truck those kids back and forth." But the provisions of this Act aren't in effect.

Is that really the situation?

**Hon. Mr. Rhodes:** Yes, Mr. Speaker, that is really the situation. The hon. member is absolutely correct.

**Mr. Deans:** Is it really?

**Hon. Mr. Rhodes:** There's no question about it that if the school bus operators—

**Mr. Deans:** I don't believe it.

**Hon. Mr. Rhodes:**—decide these buses are going to be other than chrome yellow and do not wish to put the specific safety features on them as required under the Act as we define a school bus, the hon. member is absolutely right. The only protection or area of—I'm looking for the right word. The only area we can find which would prevent this sort of thing from happening would be if a school board contracting with the particular bus company will allow this sort of thing to happen, then, yes, it can happen under the Act. There's no question about that.

**Mr. Deans:** It happens every day in the city of Hamilton.

**Hon. Mr. Rhodes:** It happens every day in the city of Toronto.

**Mr. Deans:** Therefore, the Act we've passed—I may sound dumbfounded and I am. I didn't believe it. I thought the minister was going to tell me somewhere in the Act there was something which said that couldn't occur. We passed that bill some months ago—a year ago, I believe it was, or thereabouts.

**Hon. Mr. Rhodes:** Six months.

**Mr. Deans:** Six months ago we passed that bill and I honestly thought we had added some factor of safety; that we had guaranteed that school buses would be properly marked; that they would have proper safety equipment; that they would be properly checked. I hope none of the operators ever read or hear



of it—I can't believe we wouldn't have gone the extra step.

Surely, we were better off initially to have a bus which, in the case of the city of Hamilton, was red and yellow or red and cream or whatever one wants to call that horrible colour, and which had "School Bus" written on it—so that at least was a safety factor—than to have a situation where a bus operator, if he finds he can do better in the general purpose field, can use his bus and paint it any colour at all.

What I'm thinking about is this— if he paints his bus yellow, he can use it only for school; if he doesn't paint his bus yellow, he can use it for whatever the devil he likes, including school children.

Hon. Mr. Rhodes: That's not correct.

Mr. Deans: That is right.

Mr. Speaker: Order, please. The Chair would like to draw to the attention of the hon. member that if the bill is not going to committee we will be a little tolerant on some of the debate on second reading because we are straying from the principle as outlined in the bill. I will be guided by the members of the Legislature as to whether the bill will be going to committee. If so, we should terminate the debate; if not, we will carry on.

Mr. Ruston: Mr. Speaker, I think I understand the situation but I think it would be preferable if we could go to committee and get this straightened out; we could have a little more rapport across the House and it would be a little easier.

Hon. Mr. Rhodes: Mr. Speaker, I have no objection, certainly, to going into committee on it. I wonder if perhaps I might be able to clarify the concerns in the members' minds and I recognize them as being real concerns.

Let's go back to the original definition of what we're talking about. When we say a school bus—I'll read the definition. In this section, school bus means:

A bus used for the transportation of children to and from school that (a) bears on the rear thereof the words "Do Not Pass When Signals Flashing"; (b) is equipped with two red signal lights on the rear thereof and two red signal lights on the front thereof and (c) is painted chrome yellow with black lettering and trim as required by the regulations.

We go to 1(a) "No bus other than a school bus shall be painted chrome yellow." The

bill does not have any bearing on the equipment. The definition only applies for the purposes of the stopping law. Let's be very clear on that.

I want to clear up one particular point that I think the hon. member for Wentworth perhaps did not understand—and I don't like to use that word—or he did not hear what I said earlier; and that is, a bus that is not painted chrome yellow with black trim can be used to transport school children to and from school. As I said before—and he has indicated it happens in Hamilton—it happens here in Toronto and I am sure it is happening in other jurisdictions. What we are saying is that in order that the school bus stopping law will apply to motorists who are travelling on the highway the bus must be as defined in the Act; and as I have read, it must have the flashing lights front and rear and the right colours and signs and this sort of thing. If it does not have these, then the school bus stopping law would not apply; it's as simple as that.

I am not suggesting that we could not go further. We certainly could. We could require that all buses transporting children in the Province of Ontario to and from school must be chrome yellow with black trim, the lights flashing front and rear—that could be required. However, with the greatest of respect, I suggest that we would be creating a tremendous hardship on certain boards of education and certain municipalities; and the cost factor would be extreme.

Here in Metropolitan Toronto, which is an excellent example, the separate school board does not own a bus. They contract their busing to the TTC. I think it is reasonable to assume that the TTC would not go out and paint X number of their buses chrome yellow and black for the sole purpose of moving children to and from school during the school year. We felt that this Act, imperfect as it may be—and I'm not suggesting that it covers all of the particular points the hon. member has raised—it at least gives some meat to the stopping law as it applies to those school buses and the many thousands of school buses on our highways in Ontario today that do, in fact, have the chrome yellow and black trim and do have the flashing lights.

I would suggest to the hon. member for Wentworth, as valid as his point is, that we are not going to see school bus operators who presently have the chrome yellow and black buses going out and painting them blue, pink, red, or whatever the colour—

Mr. Deans: No, no.



**Hon. Mr. Rhodes:** —in order to avoid the requirements of this Act, which they basically agree with.

**Mr. Deans:** Yes, but if I may make one final point, the one thing we may see is that as they purchase new vehicles, as they replace existing vehicles, then in order to ensure they can be used for general purpose, as they had been up to the time the Act passed, they may shy away from that one colour. I know of one—

**Mr. Speaker:** May I ask the hon. minister if this bill is going to committee?

**Mr. Deans:** No, it isn't actually. We were only trying to solve—

**Mr. Ruston:** It is now.

**Mr. Deans:** Is it going to committee?

**Mr. Speaker:** We can't have it both ways.

**Hon. Mr. Rhodes:** I would hope it would not go to committee if we can resolve it here.

**Mr. Deans:** No, I don't intend that it should go to committee. I raise it with the minister—this is one of those things he doesn't appreciate—because I hadn't realized that the situation that I described was, in fact, in effect.

**Hon. Mr. Rhodes:** Which is correct.

**Mr. Deans:** I am going to worry about it a bit now.

**Hon. Mr. Rhodes:** Mr. Speaker, I would just make one final comment. That is, first of all, the fact that the bus is chrome yellow and black does not prohibit the operator from using that bus for purposes other than the transporting of children to and from school. It can, in fact, be used for charter purposes and for other purposes during the off season, or even during the school year, providing those signs aren't up.

**Mr. Deans:** And the fact that it is blue doesn't stop it from transporting children.

**Hon. Mr. Rhodes:** That is correct.

**Mr. Deans:** They don't have the protection of the bill, that's all.

**Hon. Mr. Rhodes:** It does not have the protection of the bill, that is correct; no question about that.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading? Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 127, An Act to amend the Highway Traffic Act.

### MINERAL EMBLEM ACT

Hon. Mr. Bernier moves second reading of Bill 117, the Mineral Emblem Act, 1975.

**Hon. L. Bernier** (Minister of Natural Resources): Mr. Speaker, before we get into the debate, I have a background historical review of this particular stone. I think I would like to put it on the record for the benefit of future generations, and indeed the members of the Legislature at the present time.

The purpose of this Act is to establish the amethyst as the mineral emblem of Ontario. The amethyst is the purple variety of quartz and the term "amethyst" is both the scientific and popular name for the mineral.

Only British Columbia, of all the other provinces, has a Mineral Emblem Act. In 1968, that province established jade as its mineral emblem. As a matter of general information, a number of provinces, including Ontario, have Floral Emblem Acts and Saskatchewan passed a Bird Emblem Act in 1965.

If Ontario develops a visual symbol for amethyst, as we have with the trillium, the visual symbol will be registered under the federal Trade Marks Act, and thereupon the use of the visual symbol will belong exclusively to the Province of Ontario.

I had my staff do some background studies of this particular stone, Mr. Speaker, and I would just like to put it on the record for the benefit of those who may be interested in doing some further research.

For more than 4,500 years of recorded history, the amethyst has been regarded as a gemstone of distinctive beauty and quiet elegance. Admirably suited to fine jewellery design, the colour of the amethyst ranges from the lightest tinge of spring violet to the early lilac, to primrose and to a deep velvety purple mixed with some red. The lustre and transparency of this natural stone, coupled with its hardness—No. 7—and eternal newness, have been enhanced since ancient times by working, cutting, and finally by setting in rings, cameos, bracelets, neck-

laces, ornaments and engravings—indeed all sorts of jewellery and accessories for men and women.

In ancient Egypt, Rome and Greece, where it was considered to have supernatural powers as well as rare beauty, the amethyst rivalled the diamond in value and was worn by kings, queens and pharaohs, and by popes, bishops, priests and people of wealth. It is also one of the 12 stones representing the 12 tribes of Israel on the sacred breastplate of judgement, the symbol of divine glory first worn by Aaron and subsequently by every high priest in Jerusalem.

I refer you, Mr. Speaker, to the Bible and Exodus, chapter 28, beginning verse 17:

And thou shalt set in it settings of stones, even four rows of stones: the first row shall be of sardius, a topaz, and a carbuncle: this shall be the first row. And the second row shall be an emerald, a sapphire, and a diamond. And the third row a figure, an agate, and an amethyst. And the fourth row a beryl, an onyx and a jasper: they shall be set in gold in their inclosings.

And the stones shall be with the names of the children of Israel, 12, according to their names, like the engravings of a signet; every one with his name shall they be according to the 12 tribes.

The amethyst is also included among the 12 founding nations of Jerusalem, as recorded in St. John, chapter 21, verses 19 to 20. "Joseph and Mary solemnized their marriage with a ring set by amethyst." That is from the reference library taken from the book, "Gems and Jewellery Today," by Marcus Baerwald and Tom Mahoney, published by Marcel Rodd and Co. of New York and Toronto.

Throughout history, the amethyst has been used by people of many different countries, churches and religions, never having been symbolic of a dogma or ideology except beauty. Indeed, it is regarded as an international stone of unity rather than division.

Primitive man held the amethyst in high esteem and gave it divine attributes. A thing of such beauty was considered miraculous and endowed with magic powers. It evolved that the priest or ruler of the tribe claimed these attributes. The princes then began adorning themselves with amethyst and other gemstones.

Their examples were followed by the heads of neighbouring tribes, until finally adorning oneself with precious stones, espe-

cially in a crown or headpiece, became a custom that still endures today.

Nor is the modern male immune to the charm and the fascination of gemstones, Mr. Speaker. Witness the adventure and delights of hunters known as rock hounds.

The amethyst is a stone of many personalities. It is often sold as Madeira or Spanish topaz after being treated with heat, its colour changing to citrine yellow. How curious that after gaining an exotic reputation at so many royal courts, the amethyst is regarded today as a gemstone with the greatest amount of beauty for the least amount of money—especially in Ontario—one of the reasons being that it never wears out.

Jewellery and engravings of amethyst buried with the Egyptian pharaohs have been recently dug up as attractive as they were 4,000 years ago.

Mr. Speaker, the belief still exists that a ring, or amulet of amethyst gives persons wearing it wisdom, love, sincerity, confidence and safety. The presence of amethyst on the body is also believed to control evil thoughts and quicken the intellect. It protects soldiers, aids hunters, and is extensively worn by sailors, businessmen, lawyers and medical men, especially on the third finger of the left hand. The time is somewhat passed when it was considered effective against headache, toothache, gout, poison and the plague.

**Mr. H. Worton (Wellington South):** That's what I need.

**Mr. Deans:** It might take the place of medicare for all we know.

**Hon. Mr. Bernier:** The amethyst governs the zodiacal houses of Pisces. According to some, St. Valentine is said to have worn an amethyst ring engraved with a cupid. And the amethyst is said to have been created by God on the sixth day.

The name amethyst derives from the Greek word "amethystos," literally meaning non-intoxicating, a theory that had its source in the Greek tragedy of Bacchus, the god of wine, and Diana, patron goddess and protectress of maidens. After drinking considerable wine, Bacchus became infatuated with a beautiful maiden, who resisted his advances by escaping to Diana. Bacchus threatened to set his tigers on the maiden.

**Mr. Deans:** Where is the author of this?

**Mr. M. Caunt (Huron-Bruce):** He is swinging from the chandelier.



**Hon. Mr. Bernier:** To protect her, Diana transformed her into a statue of transparent stone. In remorse, Bacchus poured wine over the stone changing it to amethyst, and vowed that he who wore a setting of the stone would thereafter be immune to drunkenness.

**Mr. S. Lewis (Scarborough West):** I will tell you something, there is someone who doesn't know his Greek myths very well.

**Hon. Mr. Bernier:** Yet for all its rarity, variety and popularity, the amethyst may be found in beautiful clusters in northern Ontario near old mine diggings, and in exposed veins upon rivers and streams near Thunder Bay, or simply purchased by the pound—pick it up yourself—it's about 35 cents, of course, depending on the quality. Oldtimers of this region also know the amethyst by other names, such as Indian stone, rainstone, glass rock, quartz, wonder stone and the signal stone.

Among the local native people there are sketchy, fragmented, but richly romantic stories about amethyst in their history, stories obviously handed down from generations ago: Amethyst was formed from the tears of a little Indian girl who became lost while hunting blueberries.

**Mr. Lewis:** That's a nice legend.

**Hon. Mr. Bernier:** Another: Amethyst is made of the first raindrops of the flood that covered the earth.

Amethyst was used by medicine men, or rainmakers, dipping one hand in water and then beckoning with the other towards the sky when rain was wanted. The amethyst stone was considered the eyes of a good spirit and was carried in a leather pouch as a charm or lookout against evil.

Today, however, the local native people give the stone no supernatural attributes—nothing but the most casual remark about it being the February birthstone—and consider it simply as a part of their heritage, however vague. Some collect it for sale to tourists. Children play with it, unmindful of its history, yet somehow fascinated by its colour and transparency, its beauty. Now and then an especially beautiful specimen will be placed on a shelf or window ledge where it indeed brings good luck because it brings pleasure.

**Mr. Worton:** Let's pass it before someone claims it.

**Mr. Deans:** It would be a shame to let that go to waste.

**Mr. Gaunt:** The member didn't realize it went back to the flood.

**Mr. Deans:** No, I didn't realize it.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** When my colleague, the member for Thunder Bay, first told us back in 1967 that he would like to see the amethyst adopted as the official mineral of the Province of Ontario, I didn't realize that he had done so much research. He told us about the value of the amethyst in terms of its history and the mythology that went with it, and how he was going to spend the next eight years trying to get the government to adopt it. When he finally succeeded after a lot of effort, he was so pleased.

I didn't realize that it had such a history. I really did think he was trying to do something to improve the economy of northern Ontario.

**Mr. Gaunt:** The member didn't realize it went back to the flood.

**Mr. Deans:** No, I really didn't realize it went back to the flood and the time of Noah.

**Mr. T. P. Reid (Rainy River):** We should have used the minister's gemstone—fool's gold.

**Mr. Deans:** I've got to say, if my colleague from Thunder Bay were here, he probably wouldn't claim to have been the major spokesman; but I think it fair to claim it on his behalf because it is true. There is no one in the Province of Ontario, in this House at least, who has devoted more time, who has spent more of his own personal finances and who has promoted the use of the amethyst to the extent the member for Thunder Bay has.

The minister may want to claim that he thought of it first or he may want to say that the member for Thunder Bay did not in fact devote the time and effort we think he did, but I'm pretty sure that history would record, if it is recorded, that it was primarily due to his initiative that this mineral was adopted by the province. The one thing that aggravated me about the adoption, the day on which the bill was introduced, was that the minister was so partisan that he couldn't lean across the House in an action of friendliness and acknowledge the effort put forward by my colleague.



We are happy, of course, to adopt the amethyst as the official mineral of the Province of Ontario. We don't for a moment suggest that other people haven't had an interest in it or that other people haven't done a lot of work. But I think the least the minister could have done on the day that he made his statement was acknowledge that the member for Thunder Bay had spent a long time and a lot of effort and considerable personal resource in promoting it and that he had had an effect on the government in reaching the decision that it finally reached.

**Mr. Speaker:** Any further comments on the bill? The hon. minister.

**Hon. Mr. Bernier:** If I may respond briefly, certainly we welcome the tremendous support the member for Thunder Bay has given the adoption of the amethyst. I would also point out to the hon. member that the member for Port Arthur (Mr. Foulds) was also involved.

**Mr. Deans:** I'm not suggesting there weren't others involved.

**Hon. Mr. Bernier:** I did a little research, Mr. Speaker, prior to coming into the House. I checked the records of the ministry and my own personal records. I happen to have been elected to this Legislature, sir, on Sept. 25, 1966. One of the first things I talked about and one of the first things I felt at that time was that if I ever was in a position I would try to have a mineral emblem named for this province. I also committed myself to having a bird named on behalf of this province, but I haven't succeeded in that part as yet.

I want to recognize today the tremendous support I have received from the faculties of geology in the various universities of this province. Prior to making this decision, we canvassed all those professors and asked them for their suggestions as to what would be a suitable mineral emblem for this province. The response came back, torn between two, sodalite and amethyst. Thinking that the trillium is not common to northern Ontario, it was obvious if we wanted to recognize that great part of the province of Ontario the amethyst should be one of those stones that should be recognized.

I am particularly pleased with my own cabinet colleagues who adopted this with such enthusiasm; and I am pleased that all political parties have joined us tonight in supporting this particular bill. It will certainly be an historical one, one that future generations will look to, as I said earlier with

a lot of pride, recognizing that we have done a remarkable thing in recognizing the mineral qualities of this province.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 117, The Mineral Emblem Act.

### PUBLIC LANDS AMENDMENT ACT

Hon. Mr. Bernier moves second reading of Bill 128, An Act to amend the Public Lands Act.

**Mr. Speaker:** Will the hon. minister have an opening statement?

**Hon. Mr. Bernier:** Yes, Mr. Speaker. I would like to point out that the purpose of this bill is three-fold.

Firstly, it will eliminate a conflict between section 30 section 51 of the Act. At present, section 30 provides for the posting of signs prohibiting, controlling or governing the use of any public lands including a road under the jurisdiction of my ministry. Section 51, which is in Part II of the Act, provides that any person may exercise the public right of passage on a road except as provided in Part II. The amendment will remove the word "part" and substitute the word "Act" so that the posting of any sign under section 30 will not conflict with the public right of passage given under section 51.

Secondly, the bill will bring the language of subsection 2 of section 56 in line with the language now used in the Highway Traffic Act. Subsection 2 of section 58 provides that in certain circumstances a private forest road may be opened to the public and used by vehicles registered under the Highway Traffic Act. As a result of the amendment to the Highway Traffic Act in 1974, the use of the concept of registration was done away with and instead the Highway Traffic Act now speaks of the issuance of a permit and the validation of such permit.

Finally, Mr. Speaker, the bill will strike out the habendum in the letters patent which granted part of lot 5 in concession 2 of the township of Garson, in the district of Sudbury.

to the Roman Catholic episcopal corporation of the diocese of Sault Ste. Marie on Aug. 18, 1911. Those letters patent restrict the use of the land granted the diocese to church purposes. The land is no longer used by the church for church purposes and the church wishes to sell the land for residential purposes. As a result of a petition to my ministry by the church, the amendment will permit the use of land other than for church purposes.

**Mr. Speaker:** The hon. member for Rainy River.

**Mr. Reid:** Thank you, Mr. Speaker. As usual, I'm a little confused by the amendment presented here tonight and I have a dichotomy of reasons for getting up to speak on this bill.

Coming from northern Ontario and realizing and understanding the reasons for the roads, usually for forestry purposes and sometimes mineral purposes, I see the roads in northern Ontario serving a two-fold purpose. One, of course, is to serve as extraction roads so that the mineral or forestry reserves can be extracted for the economic benefit of the people of northern Ontario hopefully—which doesn't always happen—certainly for the people of Ontario as a whole. The second is to provide access for those who wish to hunt and fish down those particular public roads.

I wonder if the minister can do me the favour tonight of delineating what purpose these roads serve and why they should do so. I say this to you, Mr. Speaker, because while I have pressed and continue to press for roads between Atikokan and Ignace, for instance—which I think is a road which is particularly necessary to the health and vitality of both those towns—I see the opening of many of these forestry or mineral roads to be to the ultimate detriment of northwestern Ontario in particular and, I would suspect, northeastern Ontario as well. Once these roads go in they provide opportunities for every hunter and fisherman to fish out the lakes they give access to and to hunt out completely the deer, moose, partridge and whatever wild game, bear and so on, that are available down those forestry roads.

Now that would be fine and good if we did that only for the people that reside in northern Ontario, either northeastern or northwestern, but the sad fact of the matter—and I am sure the minister would agree with me, coming from that particular area of the province—is that in most cases, more often than seldom, the people who go down those roads to take advantage of the fishing and the hunting are American tourists who leave very little in the province. They come down

those trails or roads with their four-wheel vehicles and their camper trailers and leave very little in the country other than their fishing and hunting vehicles.

I have been very concerned recently, Mr. Speaker, about the plans of the various forestry industries in my particular riding that are building roads to extract timber resources. I am even more concerned about those same companies or other companies that are going to do the same thing in the minister's riding, because the minister's riding is even farther north and farther west than mine. He knows as well as I do that the people who are going to go down those roads in great numbers are not necessarily the local people who have the chance and the advantage of taking part and trying their luck at the fish and game resources, but in many respects they are the American tourists.

I see them daily in my riding, Mr. Speaker. They come up with their camper trailers, pulling trailers with 12- or 14-foot boats behind them; they have small motors right on the boats and they have their mopeds, bicycles or motorcycles. I worked on the border, so I know that they do this.

Interjection by an hon. member.

**Mr. Reid:** They come over and they know when these roads are going to be open before the local residents do.

**Hon. J. W. Snow** (Minister of Government Services): Oh, the member is against tourism.

**Mr. Reid:** Just a minute.

**Hon. Mr. Snow:** The member is against tourism, is he?

**Mr. Speaker:** Order, please.

**Mr. Reid:** No, I am against the kind of cheap pork-and-beaner tourist who comes into our part of the country and doesn't spend a bloody cent. He brings his gas, his food, his bait, his booze and everything else. The only thing he buys—and sometimes he doesn't do that—is a fishing licence and a hunting licence. That's the only money they spend when they get there.

Interjection by an hon. member.

**Mr. Reid:** I can tell the Minister of Government Services, who apparently is in favour of that kind of tourism, that I worked for customs and immigration for three years when I went to university. One of the responsibilities I had when I worked there was the fact that every six months or so they would



ask us to take a reading or survey of the kind of money these tourists spent in Ontario when they were there.

I can tell you, Mr. Speaker, and I want to say this through you to the Minister of Government Services, that what those kinds of people spent in Canada was the cost of a fishing licence or sometimes a hunting licence, and that was it. They brought their food, they brought their gas, they brought their clothing and they brought their bait, although you can't bring live bait into Ontario.

I can tell you—and this sticks in my mind, Mr. Speaker—five of them were going back to the United States. I won't say what state they come from, because a lot of them are very generous people. I went out with my little sticker in my hand—it was a federal thing—and I said, "Could you tell me—I am doing this on behalf of the federal government—what did you spend in northwestern Ontario while you were here fishing?" They said, "Well, we spent \$30." I said, "How long were you here?" There were five of them. They said, "Two weeks." I said, "You must have spent more than \$30 in two weeks." They said, "No, we bought our fishing licences and very little else. We brought our own booze, we brought our own beer, we brought our own food, we brought our own gas."

**Mr. D. W. Ewen (Wentworth North):** What about women?

**Mr. Reid:** We don't charge in northwestern Ontario. The minister of natural disasters can say to me, "Maybe we are not charging enough." Well, we aren't charging enough.

What bothers me is that every time we put a road into somewhere in northwestern Ontario—and I am not afraid to say this—we destroy part of northwestern Ontario and we destroy part of the environment that people live in northwestern Ontario for. Those people who live up there are not afraid to take the hardships and undergo those problems to get into these lakes to go hunting or fishing. Once we put a road in there, our American friends—and we have to compliment them I suppose on their initiative and everything else—are in there. Between the locals and particularly the American tourists that lake will be fished out and that area will be hunted out as soon as we do that.

I am not exactly sure what the intent of this Act is. I am not even going to deal with the third part. It seems to me that the minister is saying in this bill that we are going to put up signs and we are going to say that this

can be done and that can be done. I realize the position the minister is in because he is under fantastic pressure from the local people to do this and to allow them in there. I sympathize with him. But I say to him, and I say to him very personally because we both come from adjoining ridings, the minister has to realize that every road that goes in is ruining the very country that both he and I love. We are ruining it, and if we keep allowing this to go on, we are in trouble.

Mr. Speaker, I phoned the local office of the Ministry of Natural Resources two or three weeks ago. I said, "I have heard rumours that you are going to put a road into this lake and into that lake." What that is going to do, Mr. Speaker—and perhaps it doesn't mean much to you, coming from southern Ontario—is it's going to give access to at least a dozen lakes west and east of Fort Frances. It's going to destroy probably a dozen tourist camps that depend on fly-in business or wilderness operations.

Perhaps in the long-run context of everything else they are not important. They don't own those lakes. They have no right to them any more than anybody else. What's going to happen is simply that they are going to be fished out and hunted out and the local residents are not going to have anywhere to go.

The local residents will get into those lakes and will get into those areas to hunt and fish, whereas American tourists coming up with camper trailers and everything else aren't going to make the effort because they don't have the time and they don't have the resources. For the local people, that is their private preserve and will remain so for many years.

Maybe I have the wrong idea about the bill the minister is presenting. I hope so. But, regardless of what's in this bill, I know that the policy of the ministry is that if a forest industry particularly, such as O-M, Dryden Paper or whatever, cuts a road into some area, it should be available to local people. As soon as we make it available to the local people, we make it available to the tourists who have the time, the energy and the money to come up and exploit those particular roads. We are destroying what we have up there and if we continue to allow this to happen, we are not going to have anything left and the advantage of living in northwestern Ontario, for many of us, is going to go down the drain.

There are those who will say to the minister, "If that road is open, it should be available to us." They are short-sighted people because if we make it available to somebody who lives in Fort Frances or Dryden or Ignace or Atikokan, we are also making it



available to the guy from Minneapolis, Chicago, Duluth. Wherever they are I think in the long run it's in the best interests of all of us, particularly those of us who live in northwestern Ontario—and probably north-eastern Ontario, too—for the minister to say, "All right. We are going to say these are closed forestry roads." That's the first argument. The minister shook his head. I don't know if that's a yes or no.

The second argument is for safety's sake. I have been on those roads; most of them are forestry roads and those forestry trucks come barrelling down those roads at 40 or 50 miles an hour—sometimes less but usually they are paid either by the hour or by the load and in either case they are in a hurry. We have been very lucky that nobody has been killed lately on those particular roads but I say to the minister he has an opportunity to stand up here and now and—I hope I am wrong, maybe I interpreted this bill wrongly. Did I interpret this bill wrongly?

**Hon. Mr. Bernier:** No.

**Mr. Reid:** I didn't. I am worried about it.

**Hon. Mr. Bernier:** It is to straighten out a conflict in the Act; it is housekeeping.

**Mr. Reid:** Yes, I realize it's a housekeeping type of proposition but I want to make my sentiments known. I know it won't affect this bill but I want to make a point with the minister regardless of whether or not I am on the principle of the bill.

I think the sentiment in northwestern Ontario in particular has swung to the point where they would rather preserve what they have and keep everybody out except those who are local, who know how to get in there and who know how to take advantage, rather than opening up all these roads to anybody who wants to go in and take advantage of them. I hope he would take that into consideration.

**Mr. Speaker:** The hon. member for Wentworth.

**Mr. Deans:** Thank you. I don't have to repeat what was said—I couldn't—

**Hon. Mr. Bernier:** Well said.

**Mr. Deans:** I want the minister to tell me something about section 3. I don't pretend to understand how the letters patent are applied but I wondered about the appropriateness of them being in this bill.

I would have thought that any request to alter the conditions attached to letters patent

would have required public notice prior to the change being made. And this would have been similar in nature to a private bill—similar, I am not saying the same—as opposed to a public bill and that a change to letters patent, which effectively changes the conditions attached to them, would have required some form of public notice to those people who are in the area immediately adjacent to or surrounding the lands in question.

This would not be unlike the question of a rezoning where lands designated, in this case by letters patent but quite easily they might have been designated by a zoning by-law, would have required to have had some kind of participation from those residents who abut the properties or whose own lands are in the immediate vicinity of those properties. Could the minister tell me about that, so that I don't—

**Hon. Mr. Bernier:** I just want to interrupt because the member might not be aware that it was his party's own member for Sudbury East (Mr. Martel) who prevailed upon me on a number of occasions to come forward with this amendment. It was felt that this was the cheapest and the most efficient and the easiest way to assist the church in that particular area.

**Mr. Deans:** Having said that I support it, now let me ask the minister, nevertheless—because he's my colleague I love him, but it doesn't mean he's right—

**Mr. Reid:** Can we quote the member on that?

**Mr. Deans:** Yes, of course. I want the minister to tell me—because when one does things they've got to be done properly. I'm just curious; I'm quite prepared to let it pass, but I'd like to know if this is the proper procedure for the changing of conditions attached to letters patent as they apply to original conditions on land use.

**Hon. Mr. Bernier:** Mr. Speaker, I—

**Mr. Speaker:** Order, please. Do any other hon. members wish to speak to this? All right, the hon. minister.

**Hon. Mr. Bernier:** Mr. Speaker, I did question my legal people when this was brought in in this particular form. I questioned them on the very point that the hon. member for Wentworth brings forward.

I was told at that time that this was an acceptable way of changing the letters patent. I'm not a lawyer myself, and I accepted their

legal advice and that is the way we've come, again, to facilitate the church in their request, strongly supported by a number of members of this Legislature.

**Mr. Deans:** Would the minister permit me to ask one final question? My concern about it is this: What opportunities are available to citizens, who may have one or another view about the change, to make known their particular views? Was there a process that was followed prior to this having come before the ministry? How does that process work? I may have a group in Hamilton who own a piece of property for which letters patent are applied, and they may want to change the conditions.

**Hon. Mr. Bernier:** Mr. Speaker, I was informed that there was a public discussion within the diocese itself and, of course, they strongly supported it. I would just point out to the member that this particular property was for religious purposes—

**Mr. Deans:** I understand.

**Hon. Mr. Bernier:** —and it has been transferred to residential purpose. So there's not that great a conflict. I don't think that we would enter into a similar situation where a citizen came forward who had a piece of property and wanted it changed because of certain conditions into the letters patent. I think that would go the route of a private bill; that's the way it should go. But in this particular case where the church was involved and the diocese requested this change, then we acquiesced to their request.

**Mr. Deans:** Pretend I wasn't here.

**Mr. Reid:** Can the minister respond—

**Hon. Mr. Bernier:** I would just like to respond, Mr. Speaker—

**Mr. Speaker:** I don't want us to get into a debate on this.

**Hon. Mr. Bernier:** I just want to respond to the hon. member for Rainy River. What he brings forward is quite correct. I think he has done it very well and explained the situation to the House as it exists in northwestern Ontario.

Certainly I'm very cognizant of the changes that have occurred in the last eight or 10 years. I can remember coming to the Legislature eight or 10 years ago, when roads and roads and roads was all they wanted in northwestern Ontario. "Give us a road anywhere. Give us a road."

That has changed, as the member has pointed out. We're very cognizant of this particular change and the problems it brings: the pressures on new lakes that may be more sensitive to pressure than the larger lakes. In fact, we're looking at a proposal now—in some districts we enforce it more rigorously than in other areas—where we retain a 400-ft reserve around many of the lakes and stop paper companies from moving down and punching holes through to these smaller lakes to give access to a number of people who put additional pressures on these lakes. This is an area we're moving in on.

I would say to the hon. member that the roads we developed—which of course will be affected by this particular amendment and it's just a housekeeping amendment—are mainly involved with the extraction of the forest resources and mineral resources. We also require a certain amount of access roads and connections for forest management. If we're going to regenerate those areas then we have to have access. Also, of course, forest protection is something that necessitates a tremendous amount of forest access roads.

But we're very much aware of the pressures and problems, as the member has pointed out, that are created by "pork-and-beaners"—I don't know if that is the correct description for many of these people.

I would point out to the hon. member that we are moving in this direction with our Crown land camping control programme. It's an experiment and it's in its second year. In that particular experiment we are at least controlling off-highway camping by recreational vehicles. We hope we will gain a tremendous amount of knowledge from this experiment which, as I say, is now in its second year.

In fact, we have a number of university students who will be doing surveys on these particular people who are going to the various designated camping sites in northwestern Ontario. I think if the member is alert, he will notice that there have been new signs placed in that particular area. This is in response to a public meeting that we held in Kenora after last year's experiment. I don't think we were as successful last year as we would have liked to have been, because many of our staff were tied up fighting forest fires, and we did not put the real thrust into our Crown land camping programme that we should have been able to do. This year things are different and we are moving ahead more aggressively.

Even the designated areas that we are developing are clearly marked on the high-



way, as are the private camping areas and the provincial parks. We have some very attractive brochures and stickers, and we will be coming out with radio and television programmes for that particular area to direct the public to these camping areas, thereby taking the pressure off some of the backwood access roads to which the member refers.

Certainly I agree with much that he has said; it is something that is not easy to deal with when such a large area is involved and when you are dealing with such a large number of people who now have some really sophisticated camping equipment—four-wheel-drives, motorcycles, you name it; they move throughout the northwest into the various areas and sometimes it is very hard to believe they would even get there.

I would just like to point out to the hon. member that on Saturday last I happened to be in Fort Frances for the very popular "Fun in the Sun" festivities, and I made a point of flying down the newly developed Dryden-Fort Frances access. I counted about four or five recreational vehicles on that particular road, and it must be 40 or 45 miles long, perhaps longer. It struck me that perhaps there weren't as many on that particular road as I would have expected, because certainly that opens up a tremendous area for wilderness recreation and fishing activities.

Certainly we are cognizant of the situation, and it is something which we will be dealing with. In fact, as recently as last week, I had the privilege of meeting with the Northwestern Ontario Air Carriers' Association. They are concerned with this particular thrust which has been going on the last couple of years, because it does remove from them the wilderness aspect and the remoteness of many of the lakes which they fly into. We hope to develop some type of a programme that will maintain for future generations much of the area that is in a remote state now. This particular bill involves merely housekeeping amendments, Mr. Speaker; it will bring it in line with other sections of the Act and with other Acts.

**Mr. Reid:** Mr. Speaker, before you put the motion for second reading, I wonder if I could ask the minister for a point of clarification. I appreciate what he said, but I wonder if he or his ministry officials have given any consideration at least to moderate their policy regarding any forestry road built by a forest-extraction company, such as Dryden Paper, O-M or whatever. Right now, the ministry's policy is that if this road is built, then it becomes a public road that anybody

in the public, including our friends from the south, can go down. The minister shakes his head, but once a forestry road is built for forestry-extraction purposes, as I understand it, it is designated so that hunters and fishermen, wherever they come from, can use that. Is the minister contemplating a change in his policy so that if these roads are put into some areas which the ministry might consider wilderness areas, they will be open only to the forestry or mining extraction industries and closed off to hunters and fishermen, whether they come from south of the border or otherwise?

**Hon. Mr. Bernier.** Mr. Speaker, the policy and the thrust we've been adhering to over the past number of years is that where public funds are expended on a forest access road, of course, the public is entitled to use that particular road.

I would say to the hon. member the Dryden Paper Co. and the Ontario-Minnesota Pulp and Paper Co. up to now have been very generous with the use of their roads built solely by their own funds. There are other paper mills in this province which build forest access roads into their timber limits and block them off and do not allow the public to use those particular roads. They are strictly for forest access and rightly so; the company can do so because there are no public funds expended on those particular roads.

The situation in northwestern Ontario, in the member's area and mine, is the companies have not taken that very dogged attitude. They've opened up the roads; at least the ones they're not using for current forestry operations. It may well be that we'll have to have a greater consultative mechanism with the management of those timber limits and particularly on the construction of access roads. I agree with the member — it's an area we should be looking into in greater depth.

**Mr. Deans:** Mr. Speaker, on a point of order before you put the motion. For my own conscience's sake, I want to say that while I'm prepared to see the bill pass as it is, because this is late in the session and because the opportunity to bring in a new bill is not available, I wouldn't want it to be an established precedent that we passed a bill which contained a clause in it which did not relate to the Act that is on the face of the bill. As I say, I don't want to hold the bill up but I do want to make it clear that this ought not to occur in this way.



**Hon. Mr. Bernier:** Mr. Speaker, I have already indicated there was a very special circumstance in this case.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 128, An Act to amend the Public Lands Act.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, before I move the adjournment of the House, I would say to the members present that we will be prepared to deal with any items left on the order paper tomorrow.

**Mr. Deans:** What is the House leader calling first, please?

**Hon. Mr. Winkler:** First? That's a question I really can't answer this evening.

**Mr. Deans:** Can he tell us tomorrow morning?

**Hon. Mr. Winkler:** I can tell the member in the morning. I will commit myself now to calling the resolution standing in the name of the Treasurer, government notice of motion No. 5 and then the balance. That will be followed by one of the departments left in

regard to the estimates before the House. I shall endeavour not to call, of course, a department or a policy field which is involved in a committee outside of the House because we haven't finished with Health. I don't think members would want me to call that department for conclusion.

There are a number of others including Natural Resources, Treasury, Education — which, of course, cannot be called — and Energy. It will be one of those and I will inform members well in advance of the conclusion of the bills.

**Mr. Deans:** Can I ask one question? What has become of the adjourned debate on the motion for second reading of the Drainage Act?

**Hon. Mr. Winkler:** Of which?

**Mr. Deans:** The Drainage Act.

**Hon. Mr. Winkler:** I haven't called that. We may call that tomorrow.

**Mr. Deans:** We are going to proceed with it?

**Hon. Mr. Winkler:** Yes, I said anything that remains on the order paper.

**Mr. Deans:** I wasn't sure, because it was adjourned and I didn't know whether the House leader was intending to go ahead with it.

**Hon. Mr. Winkler:** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.

---

CONTENTS

---

Monday, July 7, 1975

Ministry of Colleges and Universities Amendment Act, Mr. Auld, second reading .....	3725
Colleges Collective Bargaining Act, Mr. Auld, second reading .....	3726
Ontario Transportation Development Corp. Amendment Act, Mr. Rhodes, second reading .....	3731
Third reading .....	3735
Highway Traffic Amendment Act, Mr. Rhodes, second reading .....	3735
Third reading .....	3742
Mineral Emblem Act, Mr. Bernier, second reading .....	3742
Third reading .....	3745
Public Lands Amendment Act, Mr. Bernier, second reading .....	3745
Third reading .....	3751
Motion to adjourn, Mr. Winkler, agreed to .....	3751









# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Tuesday, July 8, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 8, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

And I sincerely hope that our meeting will lead to a solution that proves suitable and acceptable to all concerned.

## HEALTH CARE COSTS

**Hon. F. S. Miller** (Minister of Health): Mr. Speaker, in a statement to this House yesterday, the Treasurer (Mr. McKeough) reviewed our experience in health cost-sharing with the federal government.

I would like to assure the members that the changes proposed by the federal Minister of Finance were completely unexpected. We must act to ensure that Ontario and the other provinces are able to continue to look after the health of our people and respond to our own priorities in doing so.

The proposed changes carry grave implications for taxpayers in Ontario. Already, health care costs account for 28 per cent of the total provincial budget. I do not see how we can afford to exceed that percentage, yet at the same time I must make it clear that our own projected estimate of the barest essential increases in health care costs go considerably beyond the arbitrarily restricted increases proposed by Ottawa.

There is no easy solution open to us by looking for lower-cost alternative modes of health care, for one simple reason. Ontario has already been leading the way in Canada in finding and developing these lower-cost innovations—

**Mr. A. J. Roy** (Ottawa East): Like what?

**Hon. Mr. Miller:** —but there are limits to how much can be saved by this approach.

Accordingly, I feel it is now my responsibility, and that of the other provincial Ministers of Health, to argue against these damaging proposals on behalf of the taxpayers of our respective provinces.

For that reason, I have dispatched telegrams to the other nine Health ministers suggesting that we meet at the earliest possible date, and at any mutually acceptable location, to discuss in depth the implications and ramifications of these proposed changes.

## ONTARIO HYDRO SPENDING

**Hon. D. R. Timbrell** (Minister of Energy): Mr. Speaker, I would like to remind the House of the policy directive to Ontario Hydro implicit in yesterday's supplementary budget.

**Mr. R. F. Nixon** (Leader of the Opposition): Is the minister reminding the chairman of Hydro too?

**Hon. Mr. Timbrell:** I expect a 10 per cent cut in administrative expense to match our own initiative. A minimum of \$1 billion must be shaved from the capital budget to 1985. I have met today with the chairman of Ontario Hydro and thoroughly discussed the implications of our new initiatives, and I can report that despite headlines in today's papers, Hydro understands our objectives and has already begun to do something to achieve them.

Yesterday, the Ontario Hydro board instructed management to review again the level of its costs, with a view to meeting the government's latest expectations for costs in Hydro's budget. I say "again", sir, because you may recall that the board took similar action prior to the submission of the Hydro rate proposal now before the Ontario Energy Board.

Mr. Taylor reminded me this morning that a thorough review of capital expenditures had been ordered by the board on June 16 when new data had become available on load forecasts. This report will deal with alternatives for cutting the long-range investment programme. This could mean stretching out for two or three years the completion schedule on one or more of the four major generating stations planned to 1985. We must recognize that this means narrowing the reserve margin which we have been used to. Nevertheless, our objective to reduce expenditures may require the acceptance of higher risks and less reliable service.

Finally, the chairman of Hydro has directed that, effective today, all hiring will be suspended for 60 days. This will allow time for Hydro to review all of its programmes and costs without making further commitments.

Mr. Speaker, these initiatives taken by Hydro clearly reflect, in my view, that Hydro intends and is able to meet our latest policy objectives.

**Mr. T. P. Reid (Rainy River):** The minister should have done this in April.

**Hon. Mr. Timbrell:** The alternative means of achieving these ends will be described in reports to be submitted by the beginning of August to the OEB. These new data will be taken into consideration by the board in recommending bulk power rates for 1976. We are confident that the results will be a smaller increase in rates than we might otherwise have had to accept.

**Mr. S. Lewis (Scarborough West):** Well, that was predictable.

#### NORONTAIR SERVICES

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Mr. Speaker, on May 15 it was my privilege to announce in the House the inauguration of norOntair service in northwestern Ontario and the July start of services in north-central Ontario.

I would now like to advise the House that this fall we plan to add Elliot Lake to the present northeastern Ontario services which link Sudbury, Sault Ste. Marie, Timmins, Chapleau, Kapuskasing, Kirkland Lake, Earleton and North Bay.

It is intended to inaugurate the new service to Elliot Lake to coincide with the semi-annual fall change-over in the major airlines' flight timetables. The start of service is also dependent, however, on the completion of necessary improvements to the airport at Elliot Lake. The town and my ministry have already reached an agreement for the necessary improvements under the provincial airport development programme, and work on the project is already under way.

Approval for the new service is also required from the Canadian Transport Commission and the Ministry of Transport.

The norOntair flights into Elliot Lake will be part of the service pattern between Sudbury and Sault Ste. Marie and connect with Air Canada and Transair in both cities. The service to Elliot Lake will be part of the service operated for the Ontario Northland

Transportation Commission by Bradley Air Services Ltd.

With the successful inauguration of the service in northwestern Ontario on April 27 and the planned start of service in north-central Ontario on July 17, we can be justifiably proud of our programme to provide air service in northern Ontario.

In just four years, it has grown from the initial service to four communities in north-eastern Ontario to a widely used and well-respected service, providing air links between 17 communities across northern Ontario.

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

#### ONTARIO HYDRO SPENDING

**Mr. R. F. Nixon:** I would like to ask the Minister of Energy, further to his statement, did he discuss with the chairman of Hydro the quotes attributed to him, as follows, from the *Toronto Star*: "Ontario Hydro will look at an austerity programme the province wants it to adopt, but it would be silly to promise anything now;" and from the *Globe and Mail*: "Ontario Hydro's request for an increase of 30 per cent in hydro rates will not be altered by the Ontario government's request that it trim capital spending"? May I ask the minister if he instructed the chairman of Hydro that it was government policy which must be followed, not only to reduce their direct expenditure but also to reduce their request to the Ontario Energy Board, since their capital requirements must be cut down by \$1 billion?

**Hon. Mr. Timbrell:** Mr. Speaker, I didn't discuss all of the quotes—in fact, I didn't see the *Toronto Star* until after the chairman had left my office—but I don't believe, in fact, that the second sentence or sentences that the member read out were, in fact, attributed to the chairman. I think perhaps those were editorial comments of the reporter.

**Mr. R. F. Nixon:** It was a report.

**Hon. Mr. Timbrell:** But let me say again, what I did this morning was to clarify with the chairman the government's policy. I think that the headlines in today's press were most unfortunate. They did not, in fact, accurately reflect what the chairman had said.

**Mr. R. F. Nixon:** Perhaps not what he wishes he had said.

**Hon. Mr. Timbrell:** The chairman understands the government's policy and I have indicated the—

**Mr. Lewis:** The chairman doesn't understand it at all. They are all the same, those corporate chairmen of the minister's; they have no interest in government. From Gathercole to Taylor, they are of the same cloth, both of them. I am tired of them.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** Mr. Speaker, I think if there is a lack of understanding—

Interjection by an hon. member.

**Hon. Mr. Timbrell:** I am replying to the Leader of the Opposition, not to the babbling from his left.

**Mr. R. F. Nixon:** Not left.

**Hon. Mr. Timbrell:** His extreme left. Hydro understands clearly that this is government policy, that the costs must be reduced by 10 per cent, that the capital budget must be reduced a minimum of \$1 billion.

**Mr. I. Deans (Wentworth):** Does the minister believe that?

**Hon. Mr. Timbrell:** As far as the question of, does he say right now where it's going to be, I can understand that. They are conducting these studies and when these studies are completed, they will indicate how they will meet the government policies.

**Mr. R. F. Nixon:** Supplementary: Can the minister guarantee to the House that the submission by Ontario Hydro to the Ontario Energy Board will be reduced consonant with the direction from the government that their capital expansion must be cut by a clear \$1 billion?

**Hon. Mr. Timbrell:** Mr. Speaker, when the staff of the Hydro board has completed the studies and these studies have been considered by the Hydro board itself, it will then file this material with the Energy Board. I anticipate this to be at the beginning of August and I anticipate that the result of the Energy Board's hearings will be lower rates than previously anticipated.

**Mr. R. F. Nixon:** Supplementary, if I may just ask one more: Did the minister instruct the chairman of Hydro that unless the policy statements of the budget were followed he would have to be replaced?

**Hon. Mr. Timbrell:** Mr. Speaker, there was no need to be as silly as the hon. Leader of the Opposition would suggest—

**Mr. R. F. Nixon:** Silly? Who is running Hydro?

**Hon. Mr. Rhodes:** The Leader of the Opposition has to hang on to his straw. Hang on to it.

**Hon. Mr. Timbrell:** Mr. Speaker, the position of the chairman of Ontario Hydro is clear.

**Mr. E. W. Martel (Sudbury East):** Yes, he understands the Treasurer is playing the game too.

**Mr. Speaker:** Order. Order, please.

**Hon. Mr. Timbrell:** The government has laid down the policy. The chairman understands that policy. The chairman understands that Hydro must live within those policies, and he will.

**Mr. Speaker:** The member for Scarborough West with a supplementary.

**Mr. Lewis:** For the last year, until yesterday and today, is it not true that the government has always argued that it will make no such instruction to Hydro until the Ontario Energy Board has reviewed their requests and submitted recommendations to the government?

**Mr. J. A. Renwick (Riverdale):** The Chairman of the Management Board (Mr. Winkler) said so.

**Mr. Lewis:** And since the government has now fundamentally altered its policy toward Hydro so that it is dictating to them in advance, both in terms of operating and capital budget, its expectations as a government, why then does the government simply say to them, shave only \$1 billion off? Why don't they establish an appropriate growth rate rather than plucking a figure from the air—a growth rate which is in the interests of the Province of Ontario and one which will reduce the rates that are charged?

**Hon. Mr. Timbrell:** Mr. Speaker, first of all, the question of growth rates is never plucked from the air, as the member says.

**Mr. Lewis:** It certainly isn't; where did the \$1 billion come from?

**Hon. Mr. Timbrell:** There is a group of very qualified people in Hydro whose job it is to take all things into account, growth in various parts of the province, in the various sectors of the province, and various other factors, including recessions here and elsewhere, to project their needs each year and in longer terms. What I have indicated in the past is that these are very difficult things to arrive at. No. 2, they were examined by the Energy Board last year and they com-



mended Hydro for the way in which they go about making their projections. Revised projections were filed with the board on the 9th or the 16th—I believe it was June 9—based on more current data. I don't think that in any way we are changing from what we said in the past.

**Mr. Lewis:** Of course the government is. It is telling them.

**Hon. Mr. Timbrell:** We have that revised data. We also have the tremendously serious impact of the federal budget on Ontario and all parts of the government and agencies of the government must be part of the response. Hydro can be no exception.

**Mr. Martel:** Does the minister mean he needs an issue?

**Mr. Renwick:** He can't get away with that.

**Mr. Speaker:** Order, please.

**Mr. Renwick:** It is threadbare. That argument won't stand up any more.

**Mr. Speaker:** The member for Scarborough West with a supplementary to his supplementaries.

**Mr. Lewis:** Yes, I have a supplementary.

**Mr. V. M. Singer (Downsview):** How many supplementaries does he get? Seven or eight?

**Mr. Speaker:** No.

**Mr. Lewis:** I asked one.

**Hon. Mr. Rhodes:** The NDP leader is losing his image.

**Mr. Lewis:** I'll follow the member for Downsview if you want to do it in rotation, Mr. Speaker.

**Mr. Speaker:** All right. The member for Downsview.

**Mr. Singer:** Could the minister tell us if he now knows how much of an increase Hydro is going to be asking the Energy Board for and whether or not he has given instructions to Mr. Rogers, who apparently is government counsel, as to what his attitude should be before the Energy Board? Two questions: The amount and what are Rogers' instructions.

**Hon. Mr. Timbrell:** Mr. Speaker, since the original application was filed with me, there has been the change in the load forecast; there has been the change in Hydro's expectations of revenue from export sales; and now there is the clear directive from government.

All of this will be taken into account by the Energy Board. They already have the reports on the first two; they will have the reports from Ontario Hydro in early August on the latter points of capital expenditures and all of their other expenditures and they will then make their comments and recommendations as to what is an appropriate figure.

**Mr. Singer:** How much time is the minister asking for?

**Hon. Mr. Timbrell:** Mr. Speaker, that will be up to the board to determine what is an appropriate figure. Without redrawing the whole thing, the original request stands but obviously it has been changed by all of these other factors and the Ontario Energy Board will take all of this into consideration in making their recommendations.

**Hon. Mr. Rhodes:** The member is in for a shock.

**Mr. Speaker:** The member for Scarborough West.

**Mr. Lewis:** Can the minister explain to us first where he got the billion dollar figure from? Can he tell us exactly the economic analysis which brings him to the conclusion of \$1 billion. Second, if I may ask, why doesn't the Ontario government intervene at the board hearings to put forward the position which we see on the growth rate as opposed to that of Hydro? Finally, does the minister really think that chairman Taylor has come around when he said that next year there would have to be a 25 per cent increase and the following year a 20 per cent rate increase? Does the minister call that coming around or is that still a collision course with Ontario?

**Hon. Mr. Timbrell:** Mr. Speaker, to take the last part first, I think the member is drawing from statements made in the very early stages—late April.

**Mr. Lewis:** No, it's in the papers today.

**Hon. Mr. Timbrell:** I saw it in the paper but I think it's just a rehash of what he said at the end of April on the original request.

**Mr. R. F. Nixon:** That is the stance of Hydro which he says he will not change.

**Hon. Mr. Timbrell:** I have forgotten the rest of the member's question.

**Mr. Lewis:** Where did the billion come from?

**Mr. Martel:** What is a billion?

**Mr. Renwick:** They plucked it out of the air.

**Hon. Mr. Timbrell:** This figure was drawn by the Treasury and the Ministry of Energy looking at the long-term borrowing needs of the province and looking at the costs of borrowing as an appropriate figure for a minimum to be reduced.

**Mr. Lewis:** Did the minister just pick it out?

**Hon. Mr. Timbrell:** No, it will be the long term position of the province.

**Mr. Speaker:** The Leader of the Opposition.

### ONTARIO HYDRO BUILDING

**Mr. R. F. Nixon:** I have another question of the Minister of Energy. In his discussions with the chairman of Hydro, did he indicate to the chairman that because of the new stance of cutting costs and making economies, both in the government and in Ontario Hydro, they should consider taking that new edifice built by Mr. Moog—which I understand is called "Place Patronage"—and renting that out, since it is the most prestigious office space in Toronto, to the private sector so that at least the government can cut its costs by some moderate degree?

**Mr. P. J. Yakabuski (Renfrew South):** That's not going to do the Liberal leader any good. He is down.

**Mr. Speaker:** Further questions?

**Mr. R. F. Nixon:** A supplementary question: Would the minister not agree that that building—that \$44 million building built without a tender—is an example of the bad administrative decisions made by Ontario Hydro which have contributed to a substantial degree to the amount of money Hydro says it now requires?

**Hon. Mr. Timbrell:** No, Mr. Speaker.

**Mr. Speaker:** Further questions?

### COST-SHARING PROGRAMMES

**Mr. R. F. Nixon:** I would like to ask the Minister of the Environment, in relation to the statement on policy made by the Treasurer, how can he account for his statement that Ontario and Canada have agreed to a cost-sharing programme involving a network of 414 hydrometric stations in the Province of Ontario? Is he not afraid that by being in-

volved in this sort of a shared-cost programme he is committing the province to a programme that has been revoked by the policy statement of the Treasurer yesterday?

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, in answer to that question, the Minister of Natural Resources (Mr. Bernier) signed this agreement some time ago and that is what he is in Ottawa about today. I signed it some two weeks ago. It's really not a cost-sharing programme in this respect that, for instance, on the water quantity studies that we are doing, in cases where the federal people have water quantity studies going, we will pay them to operate our station because it is more economical that way. In cases where we might be operating their stations for them, they will pay us. And this is all it is. This memorandum of agreement was set up on April 22, 1975.

### WELLINGTON HOTEL FIRE INSPECTION

**Mr. R. F. Nixon:** I'd like to ask the Minister of Consumer and Commercial Relations, in the absence of the Attorney General (Mr. Clement), if he can assure us that the procedure which was undertaken for the fire inspection of the Wellington Hotel in Guelph, where fire resulted in the tragic deaths of two people, did not come under the responsibility of the Liquor Licence Board but was clearly in the hands of the Solicitor General and the Attorney General, so that the confusion which may have led to some of the tragedy in a previous hotel fire in Paris, Ont., cannot be laid to the responsibility of this ministry or any other?

**Hon. S. B. Handleman (Minister of Consumer and Commercial Relations):** Mr. Speaker, there is no confusion whatsoever.

**Mr. R. F. Nixon:** The coroner's report said there was.

**Hon. Mr. Handleman:** It has been said several times that the fire marshal does not inspect licensed premises. The Liquor Licence Board of Ontario, acting as the agents of the fire marshal, conducts these inspections.

I have a preliminary report on the status of that hotel as of this morning. I am advised that an inspection was conducted. It was conducted in April of this year. The hotel passed all of the requirements. There was one minor work order which they had until September, 1976, to carry out. They had complied with all the requirements of the inspectors. There is in the wings right now, a move to make the

fire marshal responsible for all fire inspections in the province.

**Mr. R. F. Nixon:** That was in the wings a year ago.

**Hon. Mr. Handleman:** It wasn't, Mr. Speaker, with all due respect. We have been discussing it since the Paris incident, since we received the coroner's report. It's a question of transfer of resources. The hon. member is quite aware of the fact that there has been an acting Solicitor General. Hopefully, tomorrow morning the former Solicitor General will be back in his portfolio and he'll be able to pick that up and carry right through with it.

**Mr. R. F. Nixon:** I have a supplementary. I hope the minister understands how serious this situation is. Is he trying to justify the fact that the confusion in fire inspection which remains in this province is as a result of the fact that we have had an acting Solicitor General instead of a full-time one? Is he not aware of the fact that the fire that took place in Paris, Ont.—and I don't remember the date, but it was many months ago—brought to public attention the fact that fire inspection under the responsibility of the Liquor Licence Board of this province was inadequate, and that according to the coroner's hearing—the inquest itself—the confusion that resulted from the inspection and the fact that no one required the findings and the inadequacies of the inspection to be followed up may have resulted in the deaths of five people, and that nothing has been done to clear this up?

**Hon. Mr. Handleman:** Mr. Speaker, I just don't admit for a moment there is any confusion. The coroner's report did not indicate that there was any confusion. It did indicate that there was some lack of information being conveyed to the owners of the hotel and a lack of enforcement on the part of the inspectors, but there was no confusion and there is no confusion now. The Guelph hotel was inspected in the proper way, in the routine way, and it met all the requirements of the inspection.

**Mr. R. F. Nixon:** Supplementary: Does the minister recall responding to me when we were discussing the new Liquor Licence Act that the inspection was now clearly established with an agency which had the power to follow up and require the improvement in the circumstances that might have resulted from any shortfall in the safety features as the result of the inspection?

**Hon. Mr. Handleman:** Mr. Speaker, I don't want to rehash the Liquor Licence Act, which has not yet been proclaimed because there are no regulations under it, would remove the Liquor Licence Board from the job and from the responsibility of fire inspection of licensed premises. That's all it would do.

At no time did I ever say, nor am I saying now, that there has been any confusion in the past as to the responsibility of the Liquor Licence Board in acting as agents of the fire marshal for fire inspection. They have that responsibility, they have been carrying it out and they will carry it out until the new Act goes into effect.

**Mr. R. F. Nixon:** If you will permit one more supplementary, Mr. Speaker, is the minister aware that since the tragic fire in Paris, which must be more than a year ago, there have been fires in Cambridge, in Brockville and now the fatal one in Guelph, either last night or the night before—within the last day—and that one of the important matters brought forward, certainly in the one in Paris, was that the Liquor Licence Board should have no responsibility for fire inspection and that it should be transferred to those who have not only the responsibility but the power to enforce its fulfilment?

**Hon. Mr. Handleman:** Mr. Speaker, we are quite aware of that recommendation and, as I told the hon. member, when the coroner's report was received, we are acting on it. On the other hand—

**Mr. R. F. Nixon:** That was a year ago.

**Mr. D. M. Deacon (York Centre):** More people have died since.

**Hon. Mr. Handleman:** The suggestion that the inspectors do not have any power to enforce their findings is simply without foundation. They do have the power of the fire marshal. They act as agents of the fire marshal in doing it. I quite agree that I would prefer, as the minister who reports for the Liquor Licence Board, to have fire inspection under the fire marshal. At the present time that's not possible and the government is moving as quickly as possible to achieve that move.

**Mr. Deacon:** Is a year as quickly as possible?

**Mr. Speaker:** Further questions?

**Mr. Speaker:** The member for Scarborough West.



## HEALTH CARE COSTS

**Mr. Lewis:** A question of the Minister of Health in light of his statement of today. Is it not a fact that there is a Health Ministers' conference scheduled for September next in Victoria and, since it's pretty close by, is that not an appropriate time for the whole debate on cost-sharing and the federal government's initiatives to take place?

**Hon. Mr. Miller:** Mr. Speaker, under our normal procedure it would be the proper time to talk about these matters.

**Mr. R. F. Nixon:** But in an election year, the minister wants to move it up a bit.

**Mr. M. Cassidy (Ottawa Centre):** That's right.

**Hon. Mr. Miller:** No, I am going to move it up because of the urgency of this matter and because I think the federal government is stopping to think a bit about it.

The hon. member's party, at its conference in Winnipeg last week, clearly stood up and said the time had come to prevent this retrogressive step.

**Mr. Lewis:** And in September the time will come.

**Hon. Mr. Miller:** That is not time enough—

**Mr. Lewis:** Sure it is.

**Hon. Mr. Miller:** —because I hope between now and then the Premiers of the provinces will get together. If the Premiers of the provinces are going to get together with the Prime Minister of Canada to discuss certain matters, surely this one issue should have had some exploratory discussions amongst the Ministers of Health, because in my opinion no one financial issue bears more heavily upon the provinces than this.

For this reason I feel we can get together and look at the ramifications of this matter, and perhaps come together, as we did before, either unanimously or by consensus, with a plan that will suit us and present it to Ottawa, hoping that the federal Health minister just may not have been consulted by the federal Finance minister in his rather rash statement.

**Mr. Lewis:** By way of supplementary, would the minister care to comment on this? I chatted with the Ministers of Health of British Columbia and Saskatchewan while in Winnipeg, who had the feeling which they felt would be shared by the Ministers of Health of Manitoba and Quebec, that September was soon enough, that they wanted to

prepare the material, that the federal axe wasn't yet falling, and that they were not prepared to come to a conference called by this minister to serve his sordid political motives—

Interjections by hon. members.

**Mr. Lewis:** —rather than what was already scheduled and which they believe is in good time. Has the minister had an answer to his telegrams yet?

**Hon. A. Grossman (Provincial Secretary for Resources Development):** What about the hon. member's sordid political motives?

**Mr. Lewis:** I am very ambivalent about both of them. I dislike them today; I dislike them tomorrow. Tomorrow comes today—one never knows.

Interjections by hon. members.

**Hon. Mr. Grossman:** I bet the hon. member even hates himself.

**Hon. Mr. Miller:** I am going to take my engagement ring off and throw it away.

**Mr. Martel:** Even Hydro doesn't believe the government.

**Mr. Lewis:** It is not going to happen; they laugh at the minister's request.

**Hon. Mr. Miller:** I don't think they should laugh at me. They can't stand up at their NDP conference in Winnipeg and state that it's an urgent matter and at the same time sit back and say they won't co-operate with us in what is an urgent matter.

**Mr. Lewis:** They aren't. They have plenty of time to do it. Isn't it enough the minister has John Turner on his side?

**Hon. Mr. Miller:** If they don't want to come to the bargaining table, let the onus be on their heads.

**Mr. Speaker:** Any further questions?

**Mr. Deans:** There is nobody to bargain with.

Interjections by hon. members.

**Mr. Speaker:** Order, please. Any further questions? The member for Scarborough West.

## HOUSING STARTS

**Mr. Lewis:** A question of the Minister of Housing, if I may. First, can he indicate to us the number of starts which the additional

federal money, representing \$65 million or \$70 million of the \$200 million, will represent to the Province of Ontario this calendar year and next fiscal year, assuming it is all channelled—as I gather it will be—through the limited dividend and other direct federal programmes? I take it that's why it wasn't in the budget. Can the minister tell us how many starts are expected from that avenue?

**Hon. D. R. Irvine** (Minister of Housing): Mr. Speaker, I would estimate around 2,500 or 3,000 starts if we do get \$60 million as the member said.

**Mr. Lewis:** All right. If that is what is represented by the federal government money and given the minister's projections of yesterday, does he recognize that in the first six months of this calendar year the decline in starts was 36 per cent with an estimated object, therefore, on projection, of 54,400 starts by the end of this year which might rise to 65,000 given the minister's initiatives but will still be 10,000 less than predicted in yesterday's budget statement? As an additional supplementary, does he realize that on the fiscal year the decline in starts is 22 per cent so far, making an approximate target of 58,000 more likely than the 90,000? Why does he continue to use figures which he knows are illusory and wrong?

**Mr. Deans:** And misleading.

**Hon. Mr. Irvine:** Mr. Speaker, those figures are not indicative of what will happen in the final months of this year.

**Mr. Lewis:** That's what the minister always says—why not?

**Mr. Cassidy:** That's what he always says.

**Hon. Mr. Irvine:** Not in the least. I think the member has to realize—I have said it many times in this House—the figures for January, February and March didn't indicate what was going to happen in May or June and they didn't.

**Mr. Lewis:** Yes, June went down 32 per cent over last year.

**Mr. Speaker:** Order, please.

**Hon. Mr. Irvine:** We don't know what June has in relation to July or August in starts.

**Mr. Lewis:** It could get worse.

**Hon. Mr. Irvine:** It could be worse or it could be better.

**Mr. Deans:** Chances are it would be worse.

**Hon. Mr. Irvine:** One thing we have to realize is that it has finally sunk in in Ottawa—at least to Mr. Danson's credit he has admitted it—and the federal government now realizes that what we said at the first of the year was exactly correct—their budgeting was not adequate for the number of starts they were saying would happen in Ontario and in Canada and he has finally recognized that when the season is half over.

**Mr. Speaker:** Any further questions?

**Mr. Deans:** Does the minister realize that 57,000 is exactly what I predicted?

**Mr. Cassidy:** A supplementary, Mr. Speaker. Since the budget in effect admits that Ontario's housing start volume this year will be the worst in a decade or very close to it, is the minister trying to tell us that January, February and March, 1976, in the depths of winter, is when some of the housing problem is going to be overcome?

**Mr. Lewis:** His figures are bogus.

**Hon. Mr. Irvine:** Mr. Speaker, I don't say that January, February and March, 1976, will overcome that shortfall we have at the present time. I don't say that at all. I am saying that the months ahead will prove how many starts we will have for the total year. I think we have to take into consideration that we have not had a good understanding with the federal government, with the municipalities, with the financial lending institutions—

**Mr. Martel:** It's in a mess.

**Hon. Mr. Irvine:** —or with everyone with general. Everyone has been concerned about the economy and that's why the starts are down. I said yesterday that the private sector has to supply the majority of the starts. I say that again today; they have to supply it. I will also say today what I said yesterday—the Province of Ontario will be supplying more starts than ever before in the fiscal year 1975-1976 and a greater percentage of the number of starts in Ontario.

Interjections by hon. members.

**Mr. Speaker:** Any further questions? The member for Scarborough West?

**Mr. R. F. Nixon:** A supplementary, Mr. Speaker.

**Mr. Speaker:** The hon. Leader of the Opposition.

**Mr. R. F. Nixon:** Since the minister indicated that the private sector is going to have to come forward more strongly and the budget indicated he was looking for an extra \$360 million, did the minister, along with the Premier (Mr. Davis), meet with the bankers yesterday and could he give us some indication of how close we are to the \$360 million extra?

**Hon. Mr. Irvine:** Mr. Speaker, I would be delighted to indicate to the House the conversation we had yesterday with all the major banks—the Premier, the Treasurer and myself were in attendance—and it was quite encouraging. The figure we're looking for actually is \$360 million for home ownership; \$100 million for rental accommodation, and that has to be through the financing of the private lending institutions. The banks did not say yes or no, but certainly gave us a very favourable indication that they would consider the matter and would get back to us within the next few days. I am quite hopeful that we will have additional funding from the lending institutions.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Does the minister recall that when the Ontario Housing Action Programme was announced the same game was played, of making a target for a calendar year that was then altered to a target for a fiscal year because of the ministry's failures, and that it's playing the same game again? It's always jam tomorrow and never today in housing.

**An hon. member:** The member ought to know by now.

**Hon. Mr. Irvine:** Mr. Speaker, I remember debating this in the estimates last year, and it's absolutely no game at all.

**Mr. Cassidy:** A target for the calendar year, which the ministry then changed to a fiscal year.

**Mr. Yakabuski:** Let him give the answer.

**Hon. Mr. Irvine:** In Housing Ontario/74 it was very clearly spelled out—which the member could never get through his head—that it was a fiscal year, and the figures that CMHC provide are on a calendar year. They are two entirely different things.

**Mr. Lewis:** Not at all. The minister had figures of 100,000.

**Mr. Speaker:** Does the member for Scarborough West have further questions?

## ONTARIO HYDRO SPENDING

**Mr. Lewis:** I have a question of the Minister of Energy. Can the minister provide for this House, since we're into such a different kind of debate on Hydro now—the minister having taken the initiative—can we have for the House the formulation, the rationale, in writing and with the tables which accompany it, for the reduction of the \$1 billion? That is, the willingness to accept a \$22 billion investment programme for Hydro rather than a \$23 billion investment? Can he show us how he arrived at the decision to cut only \$1 billion, and on whatever basis he arrived at it?

**Mr. R. F. Nixon:** He figured it would fit into a headline better.

**Mr. Deans:** He plucked it out of the air.

**Hon. Mr. Timbrell:** Mr. Speaker, as I mentioned before, the Treasurer, in looking at the long-term borrowing needs of the province—

**Mr. Lewis:** Can he show us?

**Hon. Mr. Timbrell:** —came to us, and this was done in various forms of meetings. I might just mention that we investigated the implications of the \$1 billion reduction. For instance, it might mean the cancelling of the Wesleyville generating station; that's roughly a \$1 billion figure. We indicated that looking at the long term we did not, as a ministry, feel that this would be detrimental to the system or to the province, and agreed that if that was his general direction we could live with it.

There is no exchange of documents. This was through discussions, including discussions with my staff and with Hydro staff.

**Mr. Lewis:** It's an extraordinary way of arriving at shaving \$1 billion.

**Hon. Mr. Timbrell:** It's the quickest.

**Mr. Lewis:** The quickest? Ah, that's very facile.

**Mr. Deans:** Why didn't the minister choose \$2 billion?

**Mr. Lewis:** The question is, however, now that the government is making these decisions—that is, perhaps Wesleyville, perhaps not Wesleyville—which used to be made by the Ontario Energy Board, can the minister give us some concrete rationale for the cutbacks, so that when we run into the unrepentant presumption of chairman Taylor we'll have



some way of saying to him, "This is how much the rates must be reduced by"?

**Hon. Mr. Timbrell:** Mr. Speaker, I'll state it again: The board, on June 16, directed that a thorough review be made of its capital programme. That report will be completed by the end of this month. It will then be considered by the board of Ontario Hydro, and, within the guidelines or the policy directives set down by the government—i.e. that a minimum of \$1 billion must be cut from the capital spending up to, in effect, 1985, which would be the completion of projects—they will make their recommendations and their decisions as a Hydro board, and will relay all this to the Ontario Energy Board. Those decisions were not made by the Ontario Energy Board. In fact, Hydro has always, within the government's policy guidelines and directives, made the decisions.

**Mr. J. E. Bullbrook (Sarnia):** May I ask a supplementary? Now that we've gone full circle in response to the leader of the New Democratic Party, isn't the minister in truth telling us that the government in effect picked the \$1 billion figure out of the air without any substance in fact, and said unilaterally to Hydro: "Cut \$1 billion. We don't care where you cut it. We don't know why you should do it or how you should do it." You just ad hoc-ed it. And may I say to the minister—through the Speaker, and by way of question—quite frankly, I misunderstood the minister's first response to the leader of the New Democratic Party—

**Mr. Yakabuski:** Oh, the question is coming now. The member's question is coming now.

**Mr. Lewis:** It's a hell of a way to run Hydro.

**Mr. Bullbrook:** I think the minister misrepresented his answer to the leader of the New Democratic Party.

**Mr. Lewis:** It's a hell of a way to run a public power corporation, I'll say that.

**Mr. Yakabuski:** The member for Sarnia is not in the hockey rink now.

**Hon. Mr. Timbrell:** Mr. Speaker, I decided a long time ago that I wouldn't be drawn in by the kind of childish nonsense that comes from over there.

**Mr. Renwick:** The minister had better be drawn in, because those are the questions he is going to have to answer.

**Mr. Lewis:** He is such a pure patrician over there. Sorry to intrude on his sense of

elegance. He will answer about Hydro because he will have to.

**Mr. Speaker:** Order please. The hon. minister has the floor.

Interjections by hon. members.

**Mr. Speaker:** Order please. The hon. minister has the floor. Order!

**Hon. Mr. Timbrell:** Are the members opposite finished? Are they sure?

**Mr. Lewis:** I promised myself I wouldn't be drawn in.

**Hon. Mr. Timbrell:** Do they want to use some more time?

**Mr. Deans:** The minister is a joke.

**Hon. Mr. Timbrell:** What I have indicated is that—

**Mr. Martel:** Tell us, dad.

**Mr. Renwick:** Why doesn't he get out of the kitchen if it is too hot?

**Hon. Mr. Timbrell:**—looking at the long term, it was felt that delays in projects or possible cutbacks of one project or another could be lived with.

**Mr. Martel:** Grandfather.

**Hon. Mr. Timbrell:** We recognize that this will mean lower reserve margins. We recognize—

**Mr. Lewis:** How much lower?

**Hon. Mr. Timbrell:**—that this will be reported at the end of July—

**Mr. Deans:** But how could he do it without knowing?

**Hon. Mr. Timbrell:**—that we could live with this; that it was not taking us to the point—

**Hon. Mr. Grossman:** But that is what the NDP leader said should be done.

**Mr. Lewis:** We said more than this; much more than this.

**Mr. Speaker:** Order, please.

**Hon. Mr. Timbrell:** I want to emphasize that the leeway is there to delay or to cut; that will be up to Hydro's best judgement—whatever is in the best interests of the power consumers of the province. But the advice was that the figure of \$1 billion could be lived with.

**Mr. Cassidy:** Supplementary, Mr. Speaker.

**Mr. Speaker:** Does the member for Scarborough West have further questions?

**Mr. Lewis:** No.

**Mr. Cassidy:** Supplementary, Mr. Speaker.

**Mr. Speaker:** Order, please. The question period is developing into a debate. The member for Rainy River.

**Mr. Reid:** Mr. Speaker, in the absence of the Minister of Agriculture and Food (Mr. Stewart), I would like to put a question to the Provincial Secretary of Resources Development.

**Mr. Speaker:** I think the procedure is to ask the appropriate minister—

**Mr. Reid:** Can I ask the parliamentary assistant? He is not here—oh, there he is.

**Mr. Speaker:** And then he may refer it to—Order, please.

**Mr. Reid:** I am sorry.

**Mr. Speaker:** The procedure is to ask the appropriate minister, and I see the hon. Provincial Secretary for Resources Development is here. Then he may refer it to the parliamentary assistant.

**Mr. Reid:** Well, I asked—

**Mr. Deans:** On a point of order—

Interjections by hon. members.

**Mr. Speaker:** This was agreed to by the House.

**Mr. Deans:** On a point of order, on the day that the matter was referred initially to the parliamentary assistant, the question was asked whether it would be done that way throughout the prolonged absence of the Minister of Agriculture, and the Speaker said yes.

**Mr. Speaker:** I said yes to the fact that, as in the case of members of boards and commissions, it would be referred to the parliamentary assistant the same as it would be to the member of the boards or commissions.

**Mr. Renwick:** You got a direction after you made your ruling.

**Mr. Deans:** Automatically.

**Mr. Speaker:** It would be very simple to refer it. If you ask it of the provincial secretary—

**Mr. Reid:** That is what caused all this problem. I will ask it of the provincial secretary.

**Mr. Speaker:**—who may in turn, refer it to a parliamentary assistant.

## BEEF CALF INCOME STABILIZATION PROGRAMME

**Mr. Reid:** In regard to agriculture and the beef cow-calf stabilization programme, is the minister aware of the petition signed by approximately 125 farmers in the Rainy River district which totally rejects the cow-calf stabilization programme—is the minister aware of that? Can he inform the House how many farmers have opted into the cow-calf programme and how many specifically from northern Ontario?

**Hon. Mr. Grossman:** Mr. Speaker, I am aware that there has been at least a petition. Whether it comes from that particular area, I can't recall.

Secondly, on the other question the hon. member has asked, I will get the information for him from the ministry.

**Mr. Reid:** One short supplementary: Is the minister aware that most of the farmers in Ontario, let alone northern Ontario, feel that there is at least a 20 cent shortfall in the 50 cents that the government is providing in the 70 cents total cost of their production per pound, and that the programme is going to be a total and absolute failure?

**Hon. Mr. Grossman:** Mr. Speaker, I am aware that there is a disagreement in this respect.

**Mr. Speaker:** The member for High Park.

## REVENUE MINISTRY PERSONNEL

**Mr. M. Shulman (High Park):** A question of the Minister of Revenue, Mr. Speaker, in connection with the statement on page 13 of yesterday's mini-budget on how many additional staff it will take to administer this tax "with its incredible uneven applications, rebates, forms and complexities."

My question: Is the minister aware of the circulars sent out by his department today pointing out that the ministry is hiring or has hired staff for 62 different areas throughout the province, beginning in Alexandria and ending in Woodstock, where people will now be able to come to ask questions about this terribly complex bill the minister has brought

in called the Land Speculation Tax Act? Can he inform us how many people he has hired to administer this—if I may quote again—

**Mr. Yakabuski:** That's sufficient.

**Mr. Shulman:** The minister knows the rest of it.

**Hon. A. K. Meen** (Minister of Revenue): Mr. Speaker, the hon. member is directing his attention and ours to two different things, I suspect.

**Mr. Shulman:** Yes, right.

**Hon. Mr. Meen:** I recently issued a statement to advise the legal profession and all others concerned with the Land Speculation Tax Act that there would be officers of my ministry in the various and all registry offices in Ontario in accordance with an undertaking that I had given last September. I said that this would be done as soon as it was practical to do so. Those people are assessment people who are in those offices anyway to get other particulars for the use of the assessment division.

**Hon. Mr. Grosman:** The member for High Park laid another egg.

**Hon. Mr. Meen:** They are now simply trained to give releases under the Land Speculation Tax Act where required. There is no additional staff required for that purpose as far as I am aware.

**Hon. Mr. Rhodes:** How does that grab the member for High Park?

**Hon. Mr. Meen:** As to the other side of it concerning the budget—the second part of the member's question—existing staff in the Ministry of Revenue, particularly in the retail sales tax branch, are able to cope with these applications as they will be coming in.

**Mr. Shulman:** A supplementary, Mr. Speaker: In fact how many extra people has the minister hired since the day he brought in this Act?

**Hon. Mr. Meen:** If the hon. member is talking about the Land Speculation Tax Act, we have hired, so far as I know, no additional staff for the administration of that side of the Act at all.

**Mr. Shulman:** One final supplementary, if I may: How many additional people has his ministry hired—and I don't care what title he puts on them—since he brought in this Act? Don't say none.

**Hon. Mr. Meen:** I certainly wouldn't, Mr. Speaker, because I really have no idea. All I can say is that in the overall picture my ministry has, as the other ministries have done, lived within our own constraints with the 2.5 per cent reduction.

**Mr. Shulman:** Does the minister know how many people have been hired?

**Hon. Mr. Meen:** The member panned out again.

**Mr. Speaker:** The Minister of Transportation and Communications has the answers to questions asked yesterday.

#### DISPOSAL OF KITCHENER BUILDINGS

**Hon. Mr. Rhodes:** Thank you, Mr. Speaker. Yesterday, the hon. member for Waterloo North (Mr. Good) asked me a question concerning the disposal of buildings on land expropriated from the Kitchener Stock Yard Co. He questioned at the time, the sale of the buildings to a company known as Teperman and also why the buildings weren't offered for auction to local farmers.

Mr. Speaker, when buildings need to be removed for highway construction, the method of disposal is contingent upon certain factors such as the size of the buildings, their condition and their location in built-up areas with difficult access. Our experience has shown that the letting of demolition work of this nature to other than experienced wreckers has posed problems relative to the safety of the public and to the people doing the work, not the least of which is the assurance that they possess the capability of completing the contract. The public at large which may be interested in salvaging material from buildings are not normally insured or bonded.

In this instance, the buildings were large in size, requiring the use of heavy equipment and are located on a site, the ingress and egress to which is over the main line of the Canadian National Railways. Under these conditions, it left us no alternative than to call for bids restricted to qualified wreckers. Tender form were sent to 10 firms. The bids received were from Teperman and Sons Ltd. for \$27,370; Advance Lumber and Wrecking, \$43,800; and Greenspoon Bros. Ltd., \$64,300. It was decided to award the work to the lowest bidder, Teperman and Sons, at a cost of \$27,370. The ministry's standard contract for the demolition of buildings was executed by Teperman which stipulated that the wrecker had to have \$100,000 personal injury



insurance; \$100,000 property damage insurance and a \$2,500 performance bond.

Mr. Speaker, I have here copies of the tenders that were required. I can assure the hon. member that the work that was required to clear this site, in my opinion—and I think it's quite properly so—could more adequately and properly be carried out by having it done by one company on a demolition contract.

Mr. E. R. Good (Waterloo North): A supplementary: Since the barns removed from other sites expropriated by the Ministry of Transportation and Communications have been removed by farmers in the general area of Waterloo region, is the minister saying that the farmers, and particularly the Mennonite farmers of Waterloo region, could not have taken those barns down? Is that what he is saying?

Hon. Mr. Rhodes: No, what I am saying, Mr. Speaker, is what I said at the very beginning of my remarks in answer to the original question.

Mr. Good: They would have paid the government for them too. Now they have to buy them back from Teperman.

Hon. Mr. Rhodes: This was a large project with a great number of buildings, as the hon. member well knows. The whole site had to be cleared properly. Does the member want me to take the time to read the requirements of the tender, which meant, "to excavate, to take out foundations, to fill the whole area back in again, to level it all off"? To tear down one barn on one particular piece of property, I am sure that can be quite adequately done by a group of farmers, be they Mennonites or otherwise. But this was a large project that involved some safety; and if the hon. member thinks there is something unwieldy about this whole thing or under the table, come on over and read the documents and quit making accusations.

Mr. Good: The government had to work its friends into the deal.

Mr. Cassidy: They design it so the little guys can't get in, they design the tenders that way.

Mr. Speaker: The member for St. George. Order please.

Mr. Good: That's all I wanted to know. The minister said what I wanted to hear; he doesn't like farmers.

## INTEREST SUBSIDY PROGRAMME FOR HOUSING

Mrs. M. Campbell (St. George): My question is of the Minister of Housing: In view of the confused statements made by the minister yesterday with reference to the extension of the subsidized OHAP rates, could he tell us if there are regulations in effect now to cover this programme; and if so, who is going to get what, and where, and how?

Mr. Lewis: And why?

Hon. Mr. Irvine: Mr. Speaker, the only confusion exists in the mind of the member. The interest subsidy announcement yesterday very clearly stated that the regulations would have to be brought forward at a later date when we have had a chance to find out who is going to commit what funds into any particular programme. We have to relate it to conventional mortgage funding, which may be, as I said yesterday, 11½ or 11¼ per cent, down to the 10¼ per cent we had proposed. The regulations will not be drafted until some time in the near future. I can't give the member a definite date, but I certainly intend to see that the programme proceeds. As I indicated yesterday it is a very important programme as far as housing in Ontario is concerned.

Mrs. Campbell: Mr. Speaker, a supplementary if I may: Is the minister aware that he first of all said the lender will be financed directly by ourselves on the differential, whatever it may be? Then he said the owner of the home will receive the cheque directly on the mortgage payments. Later, when he was asked by the leader of the New Democratic Party about using the tax credit system, he said there would be a rebate to the owner of the property. Is the minister telling me that that is consistent?

Hon. Mr. Irvine: Mr. Speaker, I think the hon. member has taken the whole matter out of context again. What we are saying is this: There will be a system worked out—

Mr. Roy: The minister never has any problem.

Mrs. Campbell: He is not confused.

Hon. Mr. Rhodes: It must be Tuesday, the member for Ottawa East is here.

Hon. Mr. Irvine: —whereby administration will either be through the Ontario Mortgage Corp. or through the lending institution. The credit will go directly to the mortgagee and will be administered, as I say, in due course.

As to who will do it, I don't know at this particular time. We think it will be either by monthly credits or a credit each six months, we don't know at this time.

**Mr. Speaker:** The member for Sandwich-Riverside.

### PLUTONIUM HAZARDS

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, a question of the Minister of Energy arising out of the four-week conference in Geneva, back in May, reviewing the results of the 1970 international treaty designed to stop the spread of nuclear weapons: Is the minister aware that one of the main concerns that surfaced at this conference, and which was shared by representatives from the USA and the USSR, was how to prevent nuclear materials from being stolen by criminals and terrorists, a danger that is growing in proportion to the number of nuclear power stations using recycled plutonium?

**Hon. Mr. Timbrell:** I am sorry, I missed the last part.

**Mr. Burr:** It is a danger which is growing in proportion to the number of nuclear power stations using recycled plutonium.

**Hon. Mr. Timbrell:** Mr. Speaker, I am aware that concern was expressed, and it is one which I think we all share.

**Mr. Speaker:** The member for Peel South.

**Mr. Burr:** Mr. Speaker, a supplementary question.

**Mr. Speaker:** Is it a short supplementary?

**Mr. Burr:** Yes, Mr. Speaker; they always are.

In view of the fact that the acceptability of nuclear power in Ontario has been based partly on the non-use of recycled plutonium, how does the minister react to the recent announcement of the AECL that Chalk River will now begin to recycle plutonium?

**Hon. Mr. Timbrell:** Mr. Speaker, I think given proper security and precautions the recycling of plutonium is very important in the long-term development of our system. It offers an opportunity to recover materials from the spent uranium which we can then recycle through the system and hopefully reduce our costs.

**Mr. Speaker:** The member for Peel South.

### QEW RAMPS CONTROL PROBLEM

**Mr. R. D. Kennedy** (Peel South): Mr. Speaker, a question of the Minister of Transportation and Communications. In view of the traffic congestion caused by the experimental metering of traffic at Southdown Rd., Mississauga Rd. and Highway 10, would the minister tell the House and the members just what plans he has and if steps are going to be taken to alleviate this? Better still, will he discontinue—

**Mr. R. F. Nixon:** The people in Mississauga South don't like this.

**Mr. Kennedy:** —the experiment until the bugs are ironed out of it or—

**Mr. Singer:** Cities are for people, not for cars.

**Mr. Kennedy:** —discontinue it without renewing the experiment?

**Hon. Mr. Rhodes:** Mr. Speaker, I have already instructed that the experiment end. We've attempted this surveillance in an effort to improve the facilities on the QEW and we still feel that a degree of experimentation should be carried out in order to improve the flows not only on the QEW but all expressways. I recognize there have been some lengthy traffic delays and they will be eliminated immediately.

**Mr. R. F. Nixon:** He's glad the member asked that question.

**Mr. Singer:** The federal government wasn't responsible for that.

**Hon. Mr. Rhodes:** It probably was.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

### ELECTION FINANCES REFORM AMENDMENT ACT

**Hon. Mr. White** moves first reading of bill intituled, An Act to amend the Election Finances Reform Act.

Motion agreed to; first reading of the bill.

**Mr. Singer:** The feds did it again.

**Mr. R. F. Nixon:** That is a great swan song. That is a great record. One of the

finest Treasurers Ontario ever had. Good man.

**Hon. J. White** (Minister without Portfolio): Mr. Speaker, the commission on election contributions and expenses at its meeting on June 24 unanimously passed the following resolution: "That the commission take such steps as are necessary to obtain an immediate amendment to cover pre-campaign contributions to candidates."

Sir, this bill fully satisfies the unanimous request of the commission and the effect of the bill is that no contributions can be accepted by a candidate or on his behalf prior to his becoming registered as a candidate and that cannot occur until the issue of the writ.

**Mr. Singer:** Did the minister hear anything about that before they passed their resolution?

#### AMBULANCE AMENDMENT ACT

Hon. Mr. Miller moves first reading of bill intituled, An Act to amend the Ambulance Act.

Motion agreed to; first reading of the bill.

**Mr. Speaker:** Before the orders of the day I beg to inform the House that as directed by the Board of Internal Economy, I have tabled the statement of the members' expenses for the fiscal year 1974-1975.

**Mr. Lewis:** What does that mean?

**Mr. Bullbrook:** On a point of order, before the orders of the day and while the member for St. David (Mrs. Scrivener) is in the House, Mr. Speaker, if I may. On April 7 of this year, in winding up the Throne debate on behalf of the official opposition, Hansard records that I took strong issue with certain comments made by the member for St. David relative to the operation of politics in this great country wherein she analogized some of the matters that went on with Watergate. I don't in any way, want to convey any apologies to her with respect to my comments made in the context of her remarks, but I do want to say this to her today, if I may, that I do tender her an apology in this respect: There certainly are dirty tricks in Ottawa.

**Mr. Lewis:** There is a conspiracy but it is not the one she described.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** Government notice of motion No. 5, Mr. McKeough.

#### NOTICE OF MOTION NO. 5

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves resolution No. 5.

**RESOLUTION:** That this House confirms Ontario Regulation 383/75 amending Ontario Regulation 118/74 for the Niagara Escarpment planning area, and Ontario Regulation 399/75 amending Ontario Regulation 472/73 for the parkway belt west planning area.

**Mr. Speaker:** Shall this motion be concurred in? Agreed.

**Mr. M. Cassidy** (Ottawa Centre): Mr. Speaker, having been away at our convention, I am just looking for my papers to comment on the resolution.

**Mr. Speaker:** Order, please. Is this debate on the resolution? Was I too hasty?

**Mr. Cassidy:** Yes.

**Mr. Speaker:** I looked around but I didn't see anybody rising to speak so we passed it, but we would give anyone an opportunity to speak if they wish.

**Mr. Cassidy:** Mr. Speaker, I cannot find my notes, but we wanted to comment about the inadequacy of the process which is taking place in the Legislature in asking the House to confirm the regulation amending the regulation about the Niagara Escarpment planning area and the regulation amending the regulation for the parkway belt west planning area.

I'm just focusing on the contents of that. As I recall, the regulation itself set out an amended set of boundaries, including the question of the refineries and that kind of thing. But let's face it, the Legislature is not a planning body; we are a debating body that has been intended to debate broad policies. We are confronted with a situation here, not only in this particular resolution but on future resolutions which will affect the two planning areas concerned, where we can't cope competently with what has to be done, and no other body has been created by the government that can cope competently with it.

I would suggest to the minister, Mr. Speaker, that the cabinet cannot cope competently with resolutions such as the one that is on the order paper. The cabinet meets for a few hours a week, it has many responsibilities, both political and administrative, and the detailed technical material which is before it in the form of the regulation is simply too complicated for it to get into. The cabinet



subcommittee which looks at it is in a similar kind of situation. Meeting for two or three hours a week behind closed doors, it decides what it is going to do, but basically it turns to the Minister without Portfolio (Mr. Beckett) or it turns to the Treasurer (Mr. McKeough) or it turns to the civil servants and it says, "Look, is this okay?" and the person it turned to says, "Yes, it is okay," and the subcommittee says, "Fine" and puts a rubber stamp on it.

That is basically what we have come to, Mr. Speaker, that we are simply a rubber stamp as well. I think it is deplorable that the government has not given its mind to ways in which there can be involvement by the governmental authorities affected in ratifying or in recommending to this Legislature whether or not to ratify the various regulations that are going to come out under this particular process.

Once again, if I can recall the way this works, what we have before us right now is the interim draft of the parkway belt plan including these new boundaries. That draft has been entirely concocted behind closed doors by planning people with virtually no public consultation. The Act provides that that consultation will take place at a later date but it does not provide for the right kind of input, I would suggest, during the actual creation of the development branch.

The feeling we had was that the resolution procedure is ridiculous because the Legislature is so ill-equipped and because, let's face it, given the fact that in our caucus five or six researchers handle the whole range of government, and that the official opposition caucus has got a similar number of people, we are simply not equipped, even by turning to our people, to find out whether or not this is a reasonable way to proceed.

This morning, I appeared before the Roberts commission on behalf of the New Democratic Party of Ontario, along with grassroots members of the party and representatives of the Metro NDP co-ordinating committee. We tried there to come to grips with this very problem by proposing the creation of a lakeshore co-ordinating committee that would act in an advisory capacity to the government in areas where there were government planning responsibilities. Whether they are the parkway belt, housing, transportation or job location, there are many areas where the provincial government now takes decisions behind closed doors and then lays them on the public and on the various levels of government that are affected. It's not right that all this should be done behind closed doors and

it's not right that the Legislature should be treated as a rubber stamp.

The minister may try to say the estimates process could be used as a means of getting around the problem, but the fact is that by the time we get to the Treasury estimates in this House this year, which is typical, there may be only five or six hours to deal with the whole range of policy that is controlled by the Ministry of Treasury, Economics and Intergovernmental Affairs. There too, in other words, there will not be adequate opportunity to consider the whole range of material which is in the interim draft parkway belt plan. In other words, we are eunuchs as far as this procedure is concerned.

We suggested that there should be a lakeshore co-ordinating committee made up of the regional municipalities around Metro and of the boroughs within Metro. They would have one or two representatives on that lakeshore co-ordinating committee and they would meet regularly with representatives of the province in order to come to grips precisely with issues such as the parkway belt west plan and the Niagara Escarpment plan.

The government's proposals would become public there; and the municipalities, which are the level of government most directly affected, would be able to use their more adequate staff resources and their knowledge of the area affected in order to comment on the proposals of the government and in order to advise the government what they thought of its proposals.

It would be up to government to decide whether to accept or reject their advice, but the whole process would take place in public. We would not be put in the position we are in right now, where members of the opposition, who are inadequately served by research support, are asked in the course of a busy month or so to take a resolution or a very complicated planning document and somehow to come to grips with it and somehow, for that matter, to consult with those governments out there that are the bodies that are directly affected.

I would need to go and spend a day and a half with the planning people from Durham west to Hamilton in order to have a good feeling about understanding the parkway belt west plan, without even getting into the amendments that are proposed by the Niagara Escarpment plan. That kind of time is simply not available for me as an opposition critic. It's not available, I would suspect, to the members of the Liberal Party either. And, as is well known, the members of the government simply take no interest in these matters

at all; they leave it to the minister without portfolio responsible for municipal affairs, to the Treasurer and to the civil service.

There is a Provincial-Municipal Liaison Committee, which has been meeting for the last couple of years. The past Treasurer (Mr. White) gave that body some meaning, but it has only three of four representatives from the areas that are affected by the two plans we are discussing. It is also an inadequate body to discuss detailed findings such as has been proposed in these two regulations. Moreover, the regional municipalities in and around Metro Toronto happen to be under-represented on that body and it is over-representative of the smaller municipalities because that is the way it was structured. That's okay for what the PMLC has to do, but it too is not an adequate body to deal with consultation affecting the lakeshore region.

Mr. Speaker, I would also like to talk a bit about the proposals in the regulations themselves. What I would like to say is that what is proposed in these regulations, without going into the detail but looking at the maps and reading through the general rationale, simply confirms what we had to say when the parkway belt was originally brought in. It is not a genuine parkway. It is a series of utility and transportation corridors which in most cases are only wide enough to accommodate highways and other services.

The concept that the government is separating communities or providing genuine buffers between communities like Mississauga and Halton when it puts in a parkway strip which is only 500 ft or 1,000 ft wide is absolutely ridiculous.

What's being done here is obviously better than nothing but all one can say is it is only that; it is only better than nothing. I have to say, reading through the document on the parkway—I am not sure whether there is a comparable document for the Niagara Escarpment—that an awful lot of it is pretty damn fatuous.

There are a couple of reasons for that, Mr. Speaker.

Mr. Speaker: Order, please. May I point out to the hon. member that we are supposed to be debating this particular resolution or resolutions, not the general concept or the proper method of doing this type of thing which I have allowed the member to go on about.

We are not at this point in time, supposed to be debating the theory or the philosophy

of the parkway belt. It's these particular resolutions. I hope the member can confine his remarks to those. This is the purpose of this debate today, for this particular resolution, amending certain regulations. This is where he should confine his remarks if he would, please.

Mr. Cassidy: I am doing my best, Mr. Speaker. I apologize if I am doing it at rather short notice. However, the statement on the parkway belt west which was made by the Treasurer at the time this resolution was introduced included a very comprehensive reference to the interim plan which was presented at the same time. It seems to me the two matters go very closely together and if the minister has the right to lump them together in a statement to the Legislature, surely the other members of this House have the same privileges and prerogatives. I am sure the—

Mr. Speaker: We are to discuss the certain amendments, the specific amendments, as mentioned in this resolution.

Mr. Cassidy: Mr. Speaker, at the time this matter was introduced by the minister, he gave a six-page, single-spaced statement.

Mr. Speaker: I don't care.

You are now debating the Speaker's ruling. The ruling is that we are to debate this resolution, not the whole philosophy. I don't care what the minister said when he introduced it. The purpose of this resolution is to debate this particular amending resolution. Now that's all. I don't know what is happening in it but you must confine your remarks to that, not make it a general discussion of the parkway belt and all the other regulations and resolution there might have been; deal with this particular amending resolution.

Mr. Cassidy: Mr. Speaker, the amending resolution includes 413 applications for amendments which were considered and of which about 106 amendments and exemptions have been granted. I don't know what that does except it looks to me like a pretty major set of changes to the parkway belt. When one looks at it it turns out that they are basically cosmetic and don't change the basic rationale or the basic kind of description of the parkway belt.

I will observe the Speaker's ruling, but I would say you are muzzling members of this House if you permit government members to make their statements, if you permit—

Mr. Speaker: Order please.



**Mr. L. C. Henderson (Lambton):** Throw him out.

**Mr. Speaker:** The member is out of order in debating my ruling. The procedures are quite clear: This resolution amends certain regulations of the Niagara Escarpment planning area and that's what this is all about, not the general philosophy of the parkway belt or regulations or anything else; not all the overall regulations, these particular ones. The hon. member, I am sure, is aware of that.

**Mr. Cassidy:** I find it very difficult to separate the two things, Mr. Speaker.

**Mr. Speaker:** Order, please. May we have some clarification from the parliamentary assistant?

**Mr. Cassidy:** Perhaps the minister could explain. Surely the statement on the interim draft plan and the regulations—

**Mr. Speaker:** Order, please. I am running the House, not the member for Ottawa Centre.

**Hon. R. B. Beckett (Minister Without Portfolio):** Mr. Speaker, I was prepared at the start of this resolution to make an explanation, to the best of my ability, as to the changes contemplated in these regulations.

**Mr. Speaker:** I think under the circumstances it would be best if the hon. minister would do that, and then the hon. member may carry on and make his remarks pertaining to those. Thank you.

**Hon. Mr. Beckett:** Mr. Speaker, all members of the House will recall, I believe, the statement that was made by the Treasurer on parkway belt west on Friday, May 23, 1975, and all members of the House were provided with a very large book with attached maps that covered this whole matter. At that time, in the statement to the Legislature, the Treasurer indicated that because of studies that had been done there were certain changes that were being recommended, and on page 3 of the Treasurer's statement he started to indicate the changes that were being recommended to the House and those are in these regulations.

Very briefly, the changes would be that an area to the west of Milton is included in the Niagara Escarpment planning area. This area was previously within the parkway belt west but it is advisable to transfer the area to the NEPA so that it can be planned in conjunction with other neighboring areas, all of which are directly related to the escarpment.

This has the concurrence of the Niagara Escarpment Commission.

The second change in the parkway belt involves the parts of Burlington and Hamilton which were in the Niagara Escarpment planning area. This anomaly is now eliminated and the area is solely within the parkway belt. In addition, there's a very small area of the NEPA south of the parkway belt. It is now believed this area is not necessary for the purpose of escarpment planning and so it has been eliminated from the NEPA, but so that there will be continued planning this area will come under the normal planning process of the Burlington and Halton region.

These are the three areas suggested, Mr. Speaker, and the actual regulations, as has been said by the hon. member, were filed back in May and they are in more detail—the descriptions of the actual properties themselves.

**Mr. Speaker:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** Thank you, Mr. Speaker. I will just comment further, briefly. I would have liked to have talked a bit more about the interim plan; I just urge the minister that the government consider a way by which this Legislature can be seized with these planning documents at the stage which they are at right now. As the minister might have commented, and as the Treasurer commented in May, there was some consultation with municipal representatives to the advisory committee before the preparation of the interim plan. It goes out to them again, but the House, which also has a responsibility, is impotent. I have just been hammered out of order in seeking to discuss the interim draft plan as a whole.

We are also impotent in considering the changes to the regulations, because they tend to be of a fairly technical nature and, once again, fairly difficult to seize upon.

Within the limits of our capacity in looking at the changes and the major amendments that were made, most of them were matters of transferring jurisdiction from one authority to another—from the parkway authority over to the escarpment authority. We didn't disagree with that in itself, but the process is one that raises some grave doubts in our mind; the isolation of the process, the nature of the parkway, perhaps some of the misleading descriptions that have been made about the parkway by the government, the fact that this Legislature is giving a rubber stamp without really understanding or being able to come to grips with the matters



that are being put forward; and finally, may I say, the fact that this whole draft planning process goes forward in the absence of an overall comprehensive provincial plan. We can't really design for growth west of Metro or in the Niagara Escarpment over the next 20 or 30 years if we don't know whether that growth will take place in 40 or in 10 years, but suspect it will probably take effect in a much faster time than sensible rational planning would allow. Until the government has an overall and comprehensive provincial plan, then a lot of what is being done here will be nugatory.

**Mr. Speaker:** I would ask the hon. member to return to the basis of this resolution.

**Mr. Cassidy:** I would return the debate to you, Mr. Speaker, having concluded my remarks.

**Mr. Speaker:** Is there any further discussion on this resolution before the minister replies? The hon. minister.

**Hon. Mr. Beckett:** Mr. Speaker, I would reject the comments of the hon. member with regard to this being done behind closed doors, because these matters have been discussed by the Niagara Escarpment Commission, which is a commission of both elected members from municipalities in the areas concerned and members of the general public. The Parkway Advisory Committee also has a number of members of the public. In the case of the last amendment or change, this was actually requested by the Burlington council, it requested this small amendment.

I would suggest, sir, that this has not been done behind closed doors. As well, there is the fact that there was a very large meeting held on May 23. There was the statement in the House, and this very voluminous document was made available to all concerned.

Resolution concurred in.

#### NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT AMENDMENT ACT

Hon. Mr. Beckett, on behalf of Hon. Mr. McKeough, moves second reading of Bill 135, An Act to amend the Niagara Escarpment Planning and Development Act, 1973.

**Mr. Speaker:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** Could the minister make a brief introductory statement as to how thorough going this amendment is or whether it's just technical?

**Hon. Mr. Beckett:** Mr. Speaker, this is a very small amendment. As the members of the House are aware, the Act provides for the planning and development of the Niagara Escarpment and its vicinity. It provides for the designation of development control areas. In such cases, no development may take place without a permit from the minister, which is covered in sections 23 and 24 of the original Act.

Section 24(1) of the Act states that no person shall undertake any development in the area unless such development is exempt under the regulations or he is a holder of a development permit and so on. The purpose of this amendment, Mr. Speaker, is to clarify what is meant by development. In the explanatory note the bill adds a definition of development for the assistance of all concerned to make it clear that a change in use of any land, building or structure situate in an area of development control, unless exempt under the regulations, requires a development permit.

**Mr. Speaker:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** Mr. Speaker, I don't think we intend to disagree with the amendment, but I wonder if the minister would accept a couple of questions in order to avoid having to put the bill into committee? I would just express a couple of concerns and then put the questions.

The concern is that presumably the definition of development that was assumed, was that it was actual construction, something that required a building permit; it is now being extended to include any change in use, whether or not it might happen to require a building permit from the local municipality.

That's pretty far-sweeping and it does raise the problem of unnecessary interference in the lives of people who just happen to live in the Niagara area. The minister, as a former municipal politician, knows as well as I do that sometimes these regulations affect the guy who wants to put an addition on to his front porch or to make some other change, from chickens to pigs if he has a farm. In other words, a very minor kind of thing involves a lot of bureaucratic red tape, but somebody else who has a very major kind of change seems to go sailing through the process because he understands the ropes at city hall or at Queen's Park and they somehow can get major changes easily while the little guy gets hurt.

That could be a problem in this particular case as well. I wonder if the minister could respond to that general concern on my part; and then explain what administrative procedures have been set up in order to facilitate the granting of these development permits for reasonable kinds of requests, either for construction or for changes in use that are mentioned here, in order to ensure that they involve a minimum of time delay and of red tape?

**Hon. Mr. Beckett:** Mr. Speaker, this amendment is brought to the House at the request of the persons who have the responsibility for attempting to administer this Act as well as the elected persons in the municipalities themselves. This involved a question of the word "development," it was considered that it was not clear in the Act whether or not the term "development" covered the change of use of an existing building, for example a house to a store. Therefore, for the purpose of clarification, it was thought desirable to make it clear that development does in fact include a change of use.

There will be no change in the procedures that are in the Act at present, but this will allow regulations to provide for exemptions to be made for minor changes in use that occur and that could be accomplished without needing a permit. This is in effect a clarification of what the word development is.

**Mr. Cassidy:** Would it be possible to put another question, Mr. Speaker?

**Mr. Speaker:** I will allow another question for clarification.

**Mr. Cassidy:** Thank you. The regulation power, as I understand what the minister says, will allow exemptions for minor kinds of changes in use. Could the minister please explain what procedures have been set up in order to ensure that these permits are available quickly? Does it require coming to Queen's Park or are these decisions delegated in the name of the ministry to the Niagara Escarpment Commission and its officials?

**Hon. Mr. Beckett:** It is my understanding these are delegated to officials on the spot.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 135, An Act to amend the Niagara Escarpment Planning and Development Act, 1973.

### POUNDS AMENDMENT ACT

Mr. Eaton, on behalf of Hon. Mr. Stewart, moves second reading of Bill 134, An Act to amend the Pounds Act.

**Mr. R. G. Eaton (Middlesex South):** Just a brief note of explanation on this bill. There have been some problems in some areas of northern Ontario that the member for Timiskaming (Mr. Havrot) has brought to our attention. This will impose a prohibition against cattle, goats, horses and sheep running at large there and it will increase the maximum fine for such.

**Mr. I. Deans (Wentworth):** Is that the only explanation the parliamentary assistant intends to give?

**Mr. Speaker:** Is there any further discussion on Bill 134?

**Mr. Deans:** How do I know? I haven't found it yet.

**Mr. Speaker:** Is it the pleasure of the House that the motion carry?

**Mr. Eaton:** The member for Wentworth may want to speak on this.

**Mr. Speaker:** We will wait for the hon. member for Wentworth to have a quick look before we carry this.

**Mr. Deans:** No, no; that is fine.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 134, An Act to amend the Pounds Act.

**Clerk of the House:** The 10th order, resuming the adjourned debate on the motion for second reading of Bill 130, the Drainage Act, 1975.

## DRAINAGE ACT (concluded)

**Mr. Henderson:** Mr. Speaker, when we were debating this bill the other day I adjourned the debate and today I have a few comments I want to make. As you know, sir, as the former chairman of the drainage committee, there are many things in this bill which I feel will be of benefit to the people of Ontario, both urban and rural.

Bill 130, the Drainage Act, 1975, makes the petition procedure much more acceptable and available to the people of Ontario. This bill will also upgrade the drainage system in the Province of Ontario. It will permit drainage superintendents and give them very broad powers. It will improve the appeal procedure. It will strengthen the local court of revision. Following this, it makes the machinery possible for the drainage appeal tribunal and removes these present appeals from the county courts.

I would just like to make a comment that the county courts have done a very good job within my area in dealing with these matters. What the committee did recognize was that it was something that should be outside of their bounds, and the present Act does confirm this.

The referee will be looked on as one to settle any points of law with powers similar to those of the Supreme Court of Ontario in this area.

To look a little more closely, there are a few things in the Act which I would like to comment on at this time. Before doing so, I would like to comment that it is my opinion that Judge Clunis, who has been the drainage referee, has been one of the most qualified people in the Province of Ontario to hold down that post and has been very helpful to all the people of Ontario. I'm not sure the official opposition would agree with me 100 per cent on that, but they're not arguing either.

Under the new Act, Mr. Speaker, there are four ways to initiate a drain.

No. 1, under section 2 of the Act, makes it possible for two or more farmers to go together. If they can agree on a cost-sharing basis, they can register this within the registry office and it has the same effect as if it were put through under the bylaw covered by a different section of the drainage Act.

No. 2 covers requisition drains where the farmer can put up a deposit of some \$300; in the previous Act I believe this was \$100. Under the present Act, they can spend up to \$7,500; under the previous Act this was

\$2,500. In addition to that, the roads and any utility commissions are extra. So this is going to relieve a great many of the problems that have existed where there is one neighbour who needs an outlet through a roadway, through a railroad or some other type of public utility.

Next, Mr. Speaker, the petition procedure is being changed from the requirement on the majority of owners. That particular section still remains in the new Drainage Act, but under the proposal, in addition to the majority of the owners it is 60 per cent of the actual property. This, to me, is a great improvement for the portions of rural Ontario where the urban dwellers have moved in and taken small lots which made it very difficult for those involved in the agricultural industry to be able to get drainage where it's needed.

Also, Mr. Speaker, the Act has been clarified as to the number counted. It now says: "One owner, one property." The old Act lacked clarification down this line.

As we go on through the Act, Mr. Speaker, it has also been made possible to expedite the petition once it has been received by the council. The council appoints an engineer and he gets a preliminary report. Under the proposed Act, Mr. Speaker, through the tribunal—which I want to touch on later—if the council doesn't act, which is happening in a great many cases today, or if the council turns it down, there is an appeal procedure open to the people.

I might say, Mr. Speaker, the House leader had problems in his home riding, and the problem still exists with Euphrasia township. I am sure the procedure that is set up today offers a solution to the farmers who, in my opinion, require drainage within that area.

The new Act also sets out a timetable of the number of days a council has to deal with a proposal, and the number of days for the engineer to act, which to me is very important. It should stop the time lapse between asking for the drain and the time the actual drain is completed.

Another point in the new Act, Mr. Speaker, is an on-site meeting. Once the engineer gets instructions from the council to proceed with the drain, it gives him a certain length of time to set up a meeting on the drain. Following this, the engineer I would hope—because the Act doesn't set it out specifically—would take some guidance from the people involved with the drain and from the council, in order that those people paying for the drain would be able to have their input.



Mr. Speaker, under the proposed Act the engineer is to treat all bridges on the drains as part of the drainage report. In the past, Mr. Speaker, there have been problems in such areas where a certain bridge was not part of the drain and a certain road authority or certain utility commission may have caused difficulties. Due to a poor bridge there can be faulty drainage for a great number of years.

I refer you to section 39, subsection 2, Mr. Speaker. It says:

Where, after 30 days notice by council, the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claims for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint another engineer.

That makes it quite possible, where an engineer is either not carrying out his duties or has accepted too much work and doesn't have time to do it, for the council to remove him from the job and appoint another engineer without any liability on the municipality.

I also refer you to subsection 1 of section 41:

Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within 30 days of the filing of the report, cause the clerk of the initiating municipality to send a copy of the report and notice by prepaid mail stating the date of the filing of the report.

Mr. Speaker, in the past it has been noted that in some areas of our province some of township officials have received a report and it has lain in a file for several weeks or several months, and therefore was not available to the people requiring the drainage.

I also refer to you, Mr. Speaker, to section 45, subsection 2:

When a report is not adopted by council, any petitioner may appeal to the tribunal; or where lands used for agricultural purposes are included in the area to be drained, the minister may refer the matter to the tribunal.

This, of course, is new. Under the old procedure, if there was no action the ratepayer or the person who was hoping to receive drainage had no where to go. He was left sitting in the water, if we may use that term.

I will refer also to section 46 of the Act:

The council of the initiating municipality shall, within five days after the adoption of the report, send a copy of the provisional bylaw, exclusive of the engineer's report, and a notice of the time and place of the first sitting of the court of revision, by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works or for which allowance or compensation has been provided for in this report.

To me, this should also accelerate the drainage work and again make it more available to the people who are requiring drainage.

Going on to another subsection, in section 46, the last part of subsection 2 says:

. . . under subsection 1, shall, within 30 days after adoption of the report, send a copy of the provisional bylaw, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner . . .

Again, this makes the municipalities, in turn, go ahead with the necessary proceedings.

The next section sets out the dates of the court of revision. I want to dwell for a moment on the appeal procedure. Under the proposed appeal procedure, the first court must be a court appointed within the local municipality by someone eligible to be elected to the council of that local municipality. In the case where there is more than one municipality involved in the drainage work, each one of those municipalities will appoint one member to the court of revision. Following this, if there is still a difference of opinion—and I refer the members to section 48—

Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

(a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;

(b) the drainage works should be modified on grounds to be stated;

(c) the compensation or allowances provided by the engineer are inadequate or excessive; . . .

Mr. Speaker, I say to you and to the assembly today that this part is very important. To me, it will save a great deal of money in expert witnesses and technical people, and bring the matter down to the level of the individual who is getting the drainage and allow him to express his own views in terms that are acceptable to that court.

I refer the members to section 51 of the proposed Act, the powers of the tribunal:

On any appeal or reference to the tribunal under this Act, the tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

I must say to you, Mr. Speaker, I want to refer you also to subsection 3 of section 54 of the Act:

Every appeal shall be heard by the Tribunal by way of a trial de novo and shall be disposed of by the tribunal in such manner as it considers proper, and its decision is final.

That is very important, Mr. Speaker. Municipalities in many areas of Ontario have been tormented and tempted by someone who is threatening to appeal a decision. I am not sure whether we have any legal people here in the House at the moment outside of our legal staff, but for any of the lawyers in the House I believe I could safely say that their business thrives when they can keep threatening to go to a higher court. The people who need the drainage want a decision, and whether its good or bad they are willing to live with it. Under the proposed Act, that is what is going to happen.

Section 55 says:

... [when] the engineer is called upon to give evidence as to how an assessment was determined, he shall give his evidence before the appellant presents his case.

This to me is very important also, Mr. Speaker. The engineer does come forth, and quite often if this information had been available to the appellant the appeal would not have started in the first place.

Section 57 says that if there appear to be errors in the report of the engineer

... or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be dealt with in the same manner and proceedings thereon shall be the same as upon the original report.

It has always concerned me that the municipal council is the agent of the people and under the Drainage Act and under court proceedings—it has been before the courts in the

past—the municipal council was not permitted to instruct the engineer in his work.

I feel it is very important. The municipal council is appointed to represent the people. Its the people's drainage and I am convinced that the municipal council should have some input in order that it can fully represent the people within its municipality. I refer to subsection 5 of 58:

Where the council does not proceed with reasonable dispatch with the construction of the work after the passage of the bylaw, a petitioner may appeal to the tribunal or, where lands used for agricultural purposes are included in the area to be drained, the minister may refer the matter to the tribunal, and the tribunal may direct the council to take such action as the council is authorized to take under this Act and as the tribunal considers proper.

There are records in this province of drains which have gone through the necessary steps, have received the approval of the court of revision and third reading of the bylaw and still stand on the books of the municipality. The people needing the drainage are still suffering. Under the old Act there is no place for these people to go but as members can see that section, is going to be very important.

I refer the members of the assembly to section 59:

(1) Where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting in the manner prescribed by section 41, and sections 42 and 43 apply *mutatis mutandis*.

(2) If at the close of the meeting the petition contains a sufficient number of names to comply with section 4, the council may proceed with the construction of the drainage works.

This also is very important, Mr. Speaker. As you know, in view of the rising prices of today, it is quite possible that if a drain was estimated some six months ago today the tender might come in at twice that of the estimated amount. I am sure members would agree that the people who are paying the bill should be made aware that their assessment has increased by that amount.

I refer to section 6 of section 65:

When the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay they may enter into a written agreement and file it

with the clerk of the local municipality and, if the agreement is approved by the council by resolution no engineer need to be instructed under subsection 1.

Under the old Act, it was not legal for the clerk, without the help of the engineer, to divide an assessment. Under this, Mr. Speaker, if you and your neighbour have severed a property and can agree on the division of cost, it's just a matter of notifying the clerk and this does give him authority to continue.

I want to skip over to section 72:

(1) The council of the local municipality, within 40 days after the engineer's account is presented to the clerk of the municipality, may, on notice to the engineer, apply to the tribunal, which shall review the account and make any alteration it considers just.

I think this is very important. Either a great number of people throughout the province did not understand the costs associated with an engineer or the work or I would have to say the engineers have overcharged for their work. The people on the drain were unhappy; the council felt they didn't have sufficient information to do anything about it and this Act, under that particular section, makes it possible for a complete review of the time and the amount of money the engineer has put in.

Now subsection 2 of 73: "The costs of council meetings and special council meetings shall not be included in the cost of the drainage works."

In other words, it clarifies the Act. It makes it quite clear that the cost of holding the meeting is to be paid for out of the general revenues of the municipality.

I also refer you, Mr. Speaker, to subsection 3 of section 73, which I would have to say to you is a major change in the Act.

The council of a local municipality may by bylaw provide for payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works.

In other words, it is to be similar to the situation respecting a roads superintendent; a municipality will pay out of the general funds of the municipality for any work that the clerk has to do in carrying out his duties. I might say that this is the case today under the Local Improvement Act;

actually the Drainage Act is being brought into line with several other Acts.

I refer you, sir, to section 75(1):

The council of any local municipality undertaking the repair of a drainage works without the report of an engineer, shall, before commencing the repairs . . . give two readings to a bylaw for undertaking such repairs, which bylaw shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works. . . .

That is a new section also.

I skip by the next subsection and go to section 75(3):

The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of the Ontario Municipal Board Act do not apply.

As I understand the Act, this means the council of a local municipality can't carry out the work and, if the work has turned out to be not acceptable to the people, let it lie on the books for an indefinite period. It means they are going to have to face the consequences of any mistake and put it on the tax rolls so that those involved certainly understand.

Section 77 is a very important section. It increases the amount that a municipal council can spend on repair and improvements.

The council [may] make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening or extending is not more than \$4,500 [in the old Act, that figure was \$1,500], but the amount expended may be increased to 20 per cent of the initial cost of the drainage works upon receiving approval as set out in the requirements for a petition of those parties eligible to sign a petition under section 4.

I might say that this particular section was requested, possibly in other terms, at practically every one of the 80-plus meetings that we held across this province. It was asked for by the councils, by the individuals and by the contractors. The engineers did not disagree with it, and I am sure hon. members realize it is going to remove work from the engineering field. My experience has been that there is a scarcity in this province of this par-



ticular type of engineer, and if there is any way that we can lessen the amount of work and responsibilities placed on the engineer, we should be doing so.

I refer to section 85, which deals with grants under the proposed Act and on the recommendation of a drainage superintendent, about whom I should probably speak first.

Drainage superintendents come under section 93 of the Act. I, as chairman of the committee, and I am sure all the committee members, became quite concerned about the powers and the responsibilities that the several different drainage commissioners, as we call them, were accepting throughout the province. In many cases, as was mentioned in the report, the drainage commissioners were receiving pay to accept responsibility as commissioners, but when there was a mistake of any type it was referred back to the engineer, saying it was he who was the one at fault and that he hadn't looked at it.

In these cases, maybe I had a little different opinion than some of the members of the committee, but I was convinced that we had possibly one too many people in here. We had the engineer, who was carrying out the supervision of the work and accepting the responsibility, and we were paying a commissioner, who apparently was not accepting any responsibility. In fact, I well remember one committee meeting that I was at where the commissioner, who was appointed—he was not a member of the council, he was a commissioner for the township—to carry out the works under the Municipal Drainage Act openly admitted that he accepted no responsibilities, and when I asked him what he felt his responsibilities were, he certainly did not give us an answer, Mr. Speaker.

So, in view of that, the committee recommended, and the new Drainage Act lays the necessary groundwork for, what we will call a drainage superintendent. Our technical people, under Prof. Ross Irvine of the University of Guelph, left the committee with the impression that possibly with a few days' course in the University of Guelph—it was suggested eight or 10 days—and a review course every year, a drainage superintendent would be able and qualified to go out and take levels and would be able to check against the engineer's profile as to the depth and the size of the drain. So, in view of this, the new Act makes it possible for a drainage superintendent to be financed out of, again, the general funds of the municipality, not chargeable against the drains.

It makes room for the Province of Ontario to subsidize this drainage superintendent to the extent of 50 per cent. Also, Mr. Speaker, it gives the drainage superintendent authority, with the approval of certain sums of money, to go out and repair drains within his municipality. Again, this was asked for at practically every hearing by all levels, by the municipal council, by the individuals, and by the contractors, that he can go out and repair a drain to its original depth, and providing that he puts his signature to it, he will then qualify for the one-third subsidy. The appointment of the superintendent was a major step in the legislation, Mr. Speaker. It puts drainage on the same plateau, the same level, as sewers and local improvements in the urban centres. It also makes it possible that two or more municipalities can appoint the same drainage superintendent.

As I mentioned at the outset of my remarks, the court of revision can be three or more people eligible to be elected to the municipal council. In the case where there is more than one municipality the bill states:

... Two members appointed by the council of the initiating municipality, of whom one shall be chairman and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality.

The drainage tribunal is going to consist of a chairman with several vice-chairmen. I haven't had an opportunity to speak to the minister, but I am sure that the committee had the same feeling as I did on this. We felt—

**Mr. M. Gaunt (Huron-Bruce):** He is out of the hospital now; the member can speak to him.

**Mr. Henderson:** Is he out of the hospital now? Well, I am sure we are all very glad to hear that.

**Mr. Gaunt:** Indeed, that's right.

**Mr. Henderson:** I don't believe he was out of the hospital on the weekend but I am glad to hear it.

**Mr. Eaton:** He was out yesterday afternoon.

**Mr. Henderson:** He was out yesterday afternoon, his colleague, the parliamentary assistant informs me.

The tribunal is to be made up of the chairman and several vice-chairmen. I am sure that this would have to be worked out

as time goes along. It does state that three must sit on any hearing and one of those three shall be a lawyer in order that they stay within their legal bounds.

The referee will be appointed. As I read and understand the Act, he will be able to rule on any points of law. I quote from subsection 4 of section 105:

The referee has power to determine all questions of fact or law that it is necessary to determine for the purpose of disposing of any matter within his jurisdiction and to make such decision, order or direction as may be necessary for such purpose.

There are many other sections and changes in the Act that came about as a result of the committee's work. In his remarks the other day, the hon. member for Essex-Kent, who is in his seat at the moment, suggested that there were many things in the committee's report that were not in this Act. I would have to ask the member to name some of them because, as far as I am concerned, all the recommendations are there.

Mr. R. F. Ruston (Essex-Kent): I have been informed by other members of the committee there are a few of them.

Mr. Henderson: Well, that is fine.

Mr. Ruston: That is usual really in most cases.

Mr. Henderson: I would have to say as far as I am concerned, the recommendations of the committee are within the Act. There is one other thing that I skipped past on the way through the Act that I have to tell you about, Mr. Speaker. Last week I had the opportunity of meeting with Mr. Ralph Gagner, who is the clerk of Dover township who has been appointed—I am not sure whether by the Association of Municipalities of Ontario or by the Association of Rural Municipalities of Ontario—and Mr. Donald Williams, who is the chairman of the Association of Rural Municipalities of Ontario. I met with the two of them.

There was one section of the Act, Mr. Chairman, that Mr. Gagner was concerned about. There is one section where the Act states that if a drain is repaired down to a point, say, from the centre half of the drain, only the properties from the area where the repair starts upstream shall be assessed according to the previous Act. The clerk of Dover township left me with the impression that he wanted to look this particular section over. He left me with the impression

that it would complicate the work of the clerk. I am going to meet with him again but I would have to say that I do differ with him. I think that's a very important amendment within the Act.

Mr. Speaker, there are a good many drains across this province where the lower end washes out. Once the drain is done, there is no more work needed on it and there is no reason why that particular individual should pay for the drain.

I had a few more comments, Mr. Speaker. I would have to tell you that in small urban centres I have met several people of the farming community who are very happy with Bill 130. Since the drainage report was filed one year ago, I have spoken to many municipal organizations across Ontario which felt that the drainage report was one of the most progressive reports that was ever received in the Ontario legislative assembly.

I have spoken to many of the engineers who are involved in drainage. They are ready to make the new Drainage Act work. Speaking to the contractors' association recently, I found they are interested in improving the drainage system throughout Ontario and believe that our suggestions which are incorporated in this bill will be a great help not only to improving but accelerating the work. I would say, Mr. Speaker, that this is progressive legislation.

May I take this opportunity to thank all the members of the committee and staff for their help. May I also take this opportunity to thank the Minister of Agriculture and Food (Mr. Stewart) and his staff for the hours that they have put into the presentation of this bill which is in keeping with the report of the committee. I am sure all members of the House join me in wishing the minister a speedy recovery from his recent illness.

This Act reminds me of a cover on a homemaker's book which all members of this assembly received recently, which speaks about aging. On the cover introduction it states, "In the 30s, a time of transition and the time of the hope so." The member for Sandwich-Riverside (Mr. Burr) would have to comment further on that. "In the 40s, a time of reflection and self knowledge. Beyond 50, if you have played the game right, the best is yet to come." I will let the member from Windsor comment later on that. I'm not sure about the member for Kent (Mr. Spence), whether or not he has any comments.

Mr. Speaker, I say to you and to members of the assembly for the people of Ontario, be they urban or rural, for the agricultural



community, the best is yet to come. Many areas of Ontario can make use of this new updated Drainage Act. New lands will be brought into production; lands which were considered marginal in the past will now become highly productive agricultural land and will help solve the food supply for many years to come.

For the people who are aware of the need of land drainage, I take a note from a book I have recently read, one quotation, "To share or not to share. This problem is a controversial one indeed." The young man goes on to say, "Although I shaved for three years for the past year or so I have been an unshaver and hope to remain so."

I would suggest to the members that this will happen in the drainage area. There will be people who will not make use of the Drainage Act but the people who do will be doing their part in helping to build Ontario and Canada and in helping the world food supply. They will in return receive very great dividends for their labours. I personally believe that drainage is as important as the tractor that works the ground and the seed one plants in the ground in order to harvest the crop.

Mr. Speaker, I leave you with only one other comment. Last Friday night I had the opportunity to meet with the executive of the Association of Rural Municipalities of Ontario, and I informed them of the comments of the Leader of the Opposition (Mr. R. F. Nixon) and the pledge made by the provincial Treasurer to the Municipal Liaison Committee. I am sure we will get a favourable report from that body of people within the upcoming days.

Those in executive posts I spoke to, among the municipal people, suggested to me that they felt this particular bill, the Drainage Act of Ontario, 1975, is very important to all the people of Ontario. To me personally, they urged that we proceed with the passing of this Act. I say to the parliamentary assistant and I would ask him to pass on the very best to his staff. I thank the members and ask for their co-operation in proceeding with the bill. Thank you.

**Mr. Speaker:** The hon. member for Kent.

**Mr. J. P. Spence (Kent):** Mr. Speaker, I wouldn't want this opportunity to go by without adding a few remarks to what the chairman of that select committee on drainage outlined to us; the changes and improvements brought about by the land drainage committee in this new Drainage Act, Bill 130.

I must say, Mr. Speaker, I was proud to be named as one of the members of that select committee on drainage. I must say, too, I want to congratulate the chairman on how he carried out his duties. Every one of the members of this Legislature who served on that committee was dedicated to carrying out his duties, to bringing in a drainage report which would be of benefit to the province and to the agricultural industry across the Province of Ontario.

I must say, Mr. Speaker, the chairman has taken a lot of my thunder but, of course, he is very well qualified to do that because he put in many days discussing this new Drainage Act, back and forth, with the members of that select committee. I must say, too, that every one of those members of the drainage committee worked in harmony. The majority of the time we didn't always agree, but in the final analysis we did come to a decision.

I must say that being a member of the municipal council in the township in which I live, I had quite a bit to do with the old Drainage Act. I did know that the Drainage Act was cumbersome; it was outdated. One of the greatest complaints I had from farmers in many areas of my municipality was that after they read the old Drainage Act it was hard for them to understand what it actually meant. At some of the first meetings of the select committee on drainage it was unanimous among every one of the members that this new Drainage Act should be written in such a way that any ordinary individual could understand it without having to take it to a lawyer or to a municipal clerk to inform them what was in this new Drainage Act.

The committee travelled right across the Province of Ontario and I understand that there were 590 briefs presented to this committee. We met many times, in the afternoons and nights; we met many farmers, many municipal councillors, many county councillors. The reception that we got was excellent. They were interested in the new Drainage Act, they wanted to tell us their problems, and they wanted us to do something about them.

Mr. Speaker, I think we have brought in a new Drainage Act that will be very satisfactory right across the Province of Ontario. It is an Act that you understand when you read it; it is an Act that will speed up drainage on the farms across the province. There were a lot of new recommendations made by the committee and I think the majority of the recommendations are included in this Bill 130.



It is long past time that we had a change in the Drainage Act. We have had some **municipal councils that didn't want any change**, but I was one in favour of change and speeding-up this drainage committee because drainage is of tremendous importance to the agriculture industry of the Province of Ontario. I think the chairman of the select committee said, for example, **that once water has been removed from the soil, the soil warms up five times as fast**. Mr. Speaker, poorly drained land would take two weeks to become warm enough for germination of seed.

We find today, Mr. Speaker, that we can't afford to lose a crop. When you have poorly drained land it makes the crop ripen two weeks late. There is a danger of losing the crop through bad weather. Those in the agriculture industry can't afford to lose a crop at the high cost of input and the high cost of goods.

Mr. Speaker, the chairman has outlined the functions of new drainage superintendent who was suggested in the report, but he didn't say too much about maintenance and repairs and improvements to municipal drains. I was very pleased that we did something about the maintenance of drains in municipalities across this province. When we had to repair a municipal drain, if we spent over \$800 we had to call on an engineer to make a report, which delayed the repairing of the municipal drain. If this Act is put into force we can repair a municipal drain in a very short time and give a great benefit at less cost to the taxpayers or to the farmers in the Province of Ontario. That's one of the recommendations that I'm proud of, that we can speed up drainage. We can repair these municipal drains with very little cost. There is also a drainage superintendent who will make a survey of municipal drains in municipalities across the Province of Ontario and recommend to the municipal councils the drains which need repairing.

There are many things that I could say. I don't want to rehash or re-echo what the hon. member for Lambton has said because he outlined very well this new Act. I know the people of the province are going to accept this new Act. I haven't heard too much criticism of it. As it goes into force, I think municipal councils will see a great improvement in drainage. I know we have done everything in this Act to speed up the procedure of drainage. This is what is needed in this day and age. Mr. Speaker, I don't think I could enlighten or try to rehash what the hon. member for Lambton has said. He went over this Act very well.

We visited many other provinces and places, such as Manitoba, Nova Scotia, Newfoundland, Michigan and Quebec. We decided to go to Florida, at the wrong time of the year for comfort, to look into the control of water there. I must say that it was too bad that it was so hot; it bothered many that we were in a hot climate. But even on our trip to Florida I was one on that select committee who actually gained tremendous knowledge from what we saw of the control of water in the land.

When one looks over the programme that they have and class water as a natural resource, I must say when we look at vegetables which are boxed to be shipped to Canada to eat and see the quality of the vegetables, it's something for us to think about. It can be done in Canada. It can be done in the summer. I must say we were amazed at the quality of the vegetables and fruit which we saw. A lot of the quality was brought about by the water level programme which they had brought about in the State of Florida.

Mr. Speaker, I don't want to take up too much more of the time of the House. My colleague from Essex South (Mr. Paterson) has prepared a tremendous speech and I wouldn't want to take any of his thunder.

**Mr. Speaker:** The member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, I'm afraid I won't be able to wait to hear this tremendous speech from the member for Essex South because I have to be down in committee during the Environmental Assessment Act.

**Mr. Henderson:** The committee will be there a few days.

**Mr. Eaton:** Is he not going to wait for my response? They'll be long speeches.

**Mr. Burr:** Mr. Speaker, I should like to make a few remarks on this bill. As a member of the select committee on land drainage, some of the first realizations we had were of the difficulties inherent in the Drainage Act under which drains of various kinds had been constructed in days gone by. We learned that the Drainage Act was the result of a consolidation of several earlier Drainage Acts, a consolidation which resulted from recommendations of a special advisory committee of some 10 or more years earlier.

One of our earliest decisions was that the Act should be revised, or a new Act should be drafted, in such a way that it

would be much easier for laymen, and we suspect lawyers too, to understand. There were expressions not clearly defined, such as the area requiring drainage. There was some doubt under the Act about the status of land. There was some doubt under the Act about the status of land surveyors.

Inflation had made certain financial features out of date; for example, the \$100 deposit by a requisitioning farmer and the \$2,500 maximum set for a requisition drain. Under the old Act, it was not clear to everyone whether the point of commencement of a drainage scheme was upstream or downstream. However, criticism of the old Act is now irrelevant. Let's look at Bill 130 which will become known as the Drainage Act, 1975.

One omission in the bill is the automatic requirement of an environmental impact statement, however brief, whenever a drainage works is proposed. According to section 3, subsection 8, of this bill such an environmental statement is mandatory in the case of a requisition drain but according to section 6, subsections 1, 2 and 3, and section 10, subsection 1, an environmental impact appraisal seems optional for a petition drain. Because requisition drains are much smaller—with a maximum of \$7,500 now suggested by the bill—than petition drains, it would seem logical to reverse the procedure. That is, make an environmental appraisal mandatory for large drains—that is petition drains—and optional for the smaller ones—that is the requisition drains.

I note also that the environmental appraisal is to be made by the engineer not, as the select committee recommended, by a committee of three persons appointed by the local council and consisting of a representative of the Ministry of Agriculture and Food and a representative of the Ministry of Natural Resources or the Environment, under the chairmanship of an impartial ratepayer resident in the municipality.

Although the committee saw no great environmental threats in most drainage schemes, it did not rule out the possibility that large numbers of drains might have an adverse cumulative affect. I should appreciate a comment from the parliamentary assistant on this aspect of the bill: (a) why the environmental appraisal is left to the engineer, and (b) why the environmental appraisal is optional for large drains and mandatory for small ones.

In the interim report of the select committee on land drainage, one of our recommendations was that requisition drains be

made eligible for grants under section 62 of the old Drainage Act yet section 85 of this new 1975 bill, which outlines the grants, does not apply to requisition drains. This is my second question, Mr. Speaker: Why not?

I find that section 95 perpetuates the office of drainage commissioner. As I recall the discussions of the committee, the office of drainage commissioner, which was often a sinecure for which an honorarium was paid, was to be absorbed into the office of drainage superintendent. This concept has not been passed on to the framers of this bill with the result that Bill 130 provides for a drainage commissioner with "fees and other remuneration."

If section 95 applies only to those areas such as the Erieau marsh, where land is below lake level and must be kept drained by pumping equipment, and if section 95 means that such drainage superintendents are to be called "commissioners" in these areas, we should be told so. I ask for a comment by the parliamentary assistant who is piloting this bill through the House.

Certainly the committee had no intention of creating the post of drainage superintendents as well as the post of drainage commissioners. It seems to me that the title of commissioner should be abolished and all drainage supervisory duties put in the hands of a person known as the drainage superintendent.

One of the recommendations of the select committee was that a drainage appeal tribunal should be created to replace the county court judge and the referee in the appeal procedure. The government has gone part way in this respect, creating a drainage tribunal, but it still retains the referee. We had recommended that the tribunal operation should be, and I quote, "expeditious, easily accessible, flexible and informal," and that the tribunal should have—I again quote—"necessary expertise to handle questions of an assessment engineering or legal nature as they arise."

The referee has 19 sections of the Act devoted to him, from sections 101 to 119, with section 105 outlining his powers. The powers of the tribunal, on the other hand, are not mentioned in the four sections, 97 to 100, under the heading "The Ontario Drainage Tribunal." If it were not for the explanatory notes, Nos. 8 and 9, it would be very difficult for a layman to know to whom he should go with an appeal, even after reading section 47 and subsequent sections under the heading of "Appeals."



Explanatory note No. 8 says:

The Ontario Drainage Tribunal is established to hear appeals on the technical aspects of drainage. This authority was previously vested partly in the referee and partly in a county court judge.

Explanatory note No. 9 says:

The referee will now hear only appeals dealing essentially with questions of law.

So the advice of the committee has been ignored on this point. Instead of an informal appeal tribunal capable of dealing with questions of assessment, engineering and the law, all three facets involved in drainage problems, as recommended by the select committee, we now have three places to go with appeals—the court of revision for change in assessment; the drainage tribunal on technical aspects; and the referee on legal aspects. Mr. Speaker, you will pity the poor farmer who has to make an appeal on all three grounds. Under the heading of "The Ontario Drainage Tribunal" there should be some reference in the four sections, 97 to 100, to the powers of the tribunal, which are outlined away back in section 51. Surely some reference could be made as a kind of cross-reference.

Similarly, there is a heading, "Courts of Revision," followed by section 96, but there is no indication here what the powers or duties of these courts may be. One infers from section 55 that a court of revision can review and change an assessment, but section 56 implies that the drainage tribunal also may change an assessment. It was the select committee's hope that the new Act would enable a layman to find under each heading either the complete information on each subject—for example, drainage tribunal or courts of revision—or, at the very least, all the cross-references that would provide this complete information.

In this respect, Bill 130 does not live up to our expectations. The drainage tribunal can receive appeals from the court of revision and appeals from its own decisions can be taken to the referee, according to section 105, subsection 2, despite statements in section 54, subsection 3, and section 100 that "the decision of the tribunal is final."

I should appreciate some explanation from the parliamentary assistant on this apparent contradiction. I realize, of course, that in legal terms things aren't always what they seem, but this certainly is going to be confusing to those who read the Act. I very much fear that Bill 130 may have complicated the appeal procedure instead of simpli-

fying it, as the select committee was so anxious to have done. In support of this view, I refer members to section 118 of the bill which says:

Where an action is brought or is pending before the court of revision or the tribunal or the referee and the matter should properly be heard by one of the other tribunals, the action may be transferred to the other tribunal without invalidating the proceedings, provided the action was launched within the time limits prescribed in this Act.

The framers of this Act actually foresee that appeals are going to end up in the wrong room or the wrong court. Section 118 is a new section designed to explain what has to be done when someone or when everyone gets so confused in the appeal process that complainants or appellants appeal to the wrong authority. Surely when this possibility of confusion is foreseen, it should have been averted.

This was the whole thrust of the select committee's recommendation, namely, (1) keep the court of revision only for appeals against the assessment worked out by the engineer, and (2) establish a drainage appeal tribunal to replace the county court judge and the referee in the appeal procedures. The select committee recommended that the petition procedure be speeded up, simplified and based on public participation. As far as I can tell, Mr. Speaker, this bill will accomplish this very important objective.

The member for Lambton has covered other highlights of this bill which I shall not bother to repeat. I shall conclude by saying simply that we support Bill 130.

**Mr. Speaker:** The member for Essex South.

**Mr. D. A. Paterson (Essex South):** Mr. Speaker, I followed with interest the remarks of the chairman of the select committee, the member for Lambton, and of my colleagues from Kent and Sandwich-Riverside. I compliment them on their remarks in explaining some of the details of this new bill that is before us, as they see them, and relaying some of the questions and queries and doubts that may arise when we get into the clause-by-clause discussion of this particular bill.

In viewing the 128 sections of this particular Act, I've come to the conclusion that there are almost 100 different principles that could be enunciated in second reading of the bill. These are basic changes from the



old Act that has been in force for many years in our province. I think the main principle, Mr. Speaker, is the very fundamental re-direction of both procedures and policy that's going to affect the total land mass of the Province of Ontario. I think we must underline that it affects each and every acre in the agricultural zones of our province and even into the far north where as yet we don't have agricultural production to any extent.

I believe that the explanatory note regarding the word "benefit" sums up all the implications to all persons in the Province of Ontario. I might just read this into the record:

In this Act, "benefit" means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water or any other advantages relating to the betterment of lands, roads, buildings or other structures.

This, in fact, Mr. Speaker, affects people to a great extent residing within a few blocks of the Legislature here in the city of Toronto. It's not strictly an agricultural bill, it has implications for everyone in our province and indeed beyond.

I think this Act is really important as the first stepping stone toward water management in our province and in our country in our long-range future; and I think the philosophy that will come forth from the application of this Act, and from the re-direction and impetus we are giving to land drainage, will be an initial step toward eventual water management in our province. Certainly I feel conservation and ecology have been given more than a token input into the writing of this new Act, and I think that this too is very important in our long-range future.

The Act has been drawn up in a manner to remove many of the inconsistencies and illogical sequences that were evident to the members of the select committee. Hopefully we have written the Act so that the average man can understand the steps and procedures. Those of us on the committee can understand this, I think, and we do trust that our colleagues who have not spent the many hours in discussing and helping formulate the recommendations will be able to understand this, as well as their constituents.

We feel that the alternatives and responsibilities of councils in their activities are going to be streamlined, with clear-cut procedures, so that there will be no blind roadways in which a petitioner for drainage will find himself, as he has in the past. In fact, we believe we are going to expedite drainage whenever it is found necessary in our province.

We have changed the role of the engineer. I think we have clarified his position and, in my opinion, I think he will now more truly be the servant of the people and the councils, rather than being the unquestioned dictatorial authority, as was the case in many situations in many areas of the province over many years.

All in all, after reading this Act both backwards and forwards to try to check for any loopholes or thoughts that may have been neglected or overstated in terms of our recommendations, and restudying this particular document section by section, I think the amendments in the new sections of the Act appear to be almost 100 per cent in line with the recommendations of the select committee.

Because of the deep involvement for many hours by the member for Kent and myself on behalf of the Liberal Party in studying the old Act, making many on-site inspections to see the problems at first hand, the meetings with the councils, interested persons and the professional people involved in all aspects of drainage—that is, from the tile operator who is laying the tile right in the trench, to the engineer, the solicitor—and, more important, the hours our committee spent meeting with the aggrieved, confused and frustrated citizens, I think we have gained an overall picture of the inconsistencies in the old Act. All of this has led to the recommendations that we made in our published edition.

In view of all these facts, I personally have no hesitation in recommending to my colleagues in the Liberal Party that they accept the many principles enunciated in this bill and that we approve second reading at this time.

Going through the bill, I won't deal with all the principles that one could speak on today, but I will follow the bill in sequence as best I can.

In section 1 of the bill, there are three matters or principles on which I would like to comment. The first is the appointment of a director for the purposes of this Act. Mr. Speaker, I feel that this is a very important

principle as the Ministry of Agriculture and Food has had no real authority in dealing with drainage matters up to now. But now there will be an authority, an authority with expertise, who can make certain judgements and take certain actions.

In the past, in the construction of some drains, the provincial share of the cost just flowed automatically. There were no questions asked. Now, we will have a director with teeth and force who can question any excessive costs of oversizing or superfluous work on a drain. That possibly has occurred in the past and possibly could occur in the future. I think this is good. Further, the Act states the director on behalf of the minister can initiate drains where they are necessary for agricultural purposes. I am sure that this is going to eliminate many frustrating situations for bona fide farmers requiring land drainage.

Also, the director will be collecting data on the myriad of drains criss-crossing our province. I think that it is most important to retain and develop these files as we gradually move toward total water management in our province. There are many more duties and obligations that could be discussed concerning the director of drainage. But I think the new principle that we now have such a person with authority to guide, counsel, initiate and co-ordinate is one of the most important fundamental principles of this particular bill.

The second principle in this first section, though possibly of minor importance, is very significant to those involved. That is the clarification or expansion of the interpretation of the word "engineer." Under the new Act, the word "engineer" can now mean a corporation or partnership of a professional engineer or land surveyor. The committee was presented with evidence concerning the frustrations of the old Act, which restricted the meaning of an engineer to only a professional engineer or an Ontario land surveyor, and not to a partner or an employee of a corporation. I think this is an important principle that will be welcomed by the engineering and land surveying community.

The third principle in section 1 concerns the appointment of the Ontario Drainage Tribunal. Basically, I guess I am opposed to the proliferation of more boards and commissions and tribunals just as a matter of philosophy. Our committee discussed, reviewed and heard countless briefs concerning the present appellent system. Basically, Mr. Speaker, I think we found that the average citizen making an appeal was placed in an

unfamiliar setting, that of almost a formal court setting, with all the odds seemingly stacked against his practical experiences by virtue of the professional advice and procedures of this court. This is why I have overcome my basic objection to another tribunal or commission being appointed. I support this particular principle of a drainage tribunal which we hope will provide an informal setting with simplicity of procedure, and expedite the hearings to give justice to our citizens involved in drainage disputes.

Mr. Speaker, in relation to requisition drains, through this new bill we are increasing the cost limits more in line with today's construction costs. We have also extended the area where these works can be undertaken. I believe a significant principle written into the bill is the fact that the costs of crossing land owned by a road authority or a public utility are not to be included in these particular limits. To me, this section clearly validates the position that a utility or road is, in fact, an artificial barrier to the normal drainage pattern of an area and places the onus for financial cost on the utility or the road authority. In this section, we have included a clause that the road authority or the utility must be notified of a proposed on-site meeting to examine a drainage project.

Mr. Speaker, I think this is only fair to the road authority or utility as it will give them time to offer a possible alternate solution that is more beneficial to them and possibly can be accommodated in the drainage scheme itself. They can take the appropriate steps for this type of construction and financing to suit their own needs.

The other factor in this particular section, Mr. Speaker, is a requirement that a property owner filing for a requisition drain must make a deposit of \$300 to defray expenses. I think the committee felt that the adoption of this principle would eliminate any frivolous or nuisance undertakings, as have occurred in the past.

Most of the work of the committee evolved around the area of petition drains. Here, again, the new Act makes certain fundamental changes in principle, which I feel should be a benefit to the procedures as such. For the first time, owners of 60 per cent of the land to be drained can now proceed without being stopped by a majority of numbers of small landowners. I think this is very significant. These small landowners may or may not have an interest in agricultural drainage. I think we found that this was a very important principle and essential to our agricultural community.



Also included in this section is the principle that under certain circumstances the new director can initiate a drain if it is required for agricultural purposes. Evidence that came to us was presented in such a light that we felt it necessary that these powers should be given to the Ministry of Agriculture and Food to initiate a drainage programme in these circumstances.

Also included in this section on petition drains is a requirement that the area conservation authority or Ministry of Natural Resources must be notified within 30 days that a petition drain has been filed. I think this is important for ecological considerations and for our long-term objectives leading to water management. The fact that environment appraisal of the effects of a proposed drainage works may be requested by the initiating municipality, the conservation authority or Ministry of Natural Resources, fortifies our ecological and long-term objectives in this regard.

Similarly, a benefit cost statement can be requested and this is essential to protect the taxpayers in making a final determination as to the feasibility of a drainage project.

The fact that the Ministry of Natural Resources or the conservation authority may request an environmental study means, of course, that the province will be paying the cost of the study—if I interpret the bill correctly. However, in section 7, subsection 2, if the local council obtains the benefit cost study on its own initiative, the cost "shall be paid by the municipality from its general funds."

Here I believe one of the recommendations of the select committee was not fulfilled. This recommendation was "that the ministry subsidize the cost of preliminary reports within the normal grant structure now available for construction of drainage works." Reading this section my interpretation, whether I'm correct or not, is that if the works proceed with an environmental study, the costs would be part of the total cost of the drainage project and would obtain the subsidy. However, if the environmental study and other factors led to a negative reaction to this proposal, the council and its ratepayers would have to bear the total cost of the study. Possibly the parliamentary assistant could clarify this particular matter for myself. This may be a minor point, as basically the committee hoped that this type of study would only involve a few hundred dollars at the most. But I think it is a matter that should be clarified.

Mr. Speaker, one of the most important principles contained in this section is the requirement for the engineer, through the clerk, to call an at-the-site meeting and at that time to determine the area requiring drainage. I think this is an excellent principle that the House should accept, for at that time the people concerned with drainage can advise the engineer of any special things that are affecting their particular property. The engineer will be able to validate their petition or tell them what is required to validate their position. At this point there can be all that personal input that will eliminate any future wrangling on a drain, provided these works are carried out in accordance with the people's wishes as expressed at that on-site meeting.

There are three areas of principle regarding assessments that deserve a few comments. The first is that lands, roads and buildings that are increased in value or are more easily maintained as a result of drainage works may be assessed for benefit. This is a new section in the Act, and I'm sure it will be accepted by the House. Also the clause whereby the engineer may assess for special benefit is a new clause that I think is good. This, in effect, would allow special works that really have no effect on the functioning of a drainage work to be constructed at the time of the work on the drain and assessed to the individual property or properties that have requested this work. To me, it makes good sense to carry these out at the time of construction.

The final principle in this section that deserves support is that block assessments will now be allowed by law. I think evidence given to our committee proved to us that on an individual basis it often costs more to prepare and mail out documents to groups of small property owners than there would be if there were assessment on the drainage repair works. We believe that some block assessments were done in the past without formal legal authority. Having this written into the Act, should be a boon to urban municipalities involved at the end of a drainage scheme and should make it much more flexible and easy for their municipal clerks to carry out the duties and appropriate the necessary funds.

Another section, Mr. Speaker, that has been amended and that will benefit many urban dwellers, as well as many rural property owners is that compensation will now be paid for damage to ornamental trees and landscaping. I know when certain projects are going to go forth that is one of the con-



cerns of the people who take pride in their property and up to now they haven't been able to obtain remuneration for destruction during construction. I am sure that this will again help smooth out or facilitate the undertakings of works in any given area.

An important principle is contained in section 39 of the bill with the introduction of time limits placed upon the engineer to file his report, within six months, unless an extension is given to him by the council. Too often in the past persons desperately requiring drainage have had their efforts pigeonholed by neglect or overwork of an engineering firm.

Another point in this particular section is that the council has now been given power to fire an engineer without any remuneration for work he has done to that point, provided he does not live up to the obligations that were originally placed on him.

One section—I believe it is section 55—is especially appealing to me and I am sure will be pleasing to the average citizen in our province. This is the principle requiring an engineer to give his evidence before an appellant presents his case. Too often in the past the evidence of the professional engineer before a professional judge and jury outweighed the lack of expertise of an ordinary citizen trying to present his case as best he could. I think this will be of benefit to the average citizen in Ontario.

Another safeguard to our people who petition for a drain is the right to force council action in cases of undue delay. Now, a petitioner may appeal to the tribunal, or to the Minister of Agriculture and Food, if there is undue delay by the council.

My learned colleague, the member for Sandwich-Riverside, has discussed the matter of drainage commissioners, and I am afraid I can't agree with his remarks as I do have an area that has three separate commissions in it—the Point Pelee marsh area. They have a particular and personal interest in the workings of their particular drainage scheme; they do come under the direction of an appointed township drainage supervisor at the present time. But I would respectfully hope that these sections could be kept in; that areas that require pumping systems may maintain these commissions and commissioners, as the small amount of remuneration is almost nil as compared to the hours and interest that they put in on behalf of their fellow citizens on that particular drainage scheme.

Another important clause or principle that has been written into the Act is section 64. This allows a property owner who is dis-

satisfied with the quality of construction during construction, or up to one year after the construction has been completed, to appeal to the tribunal for redress. I know cases have come to me from Essex county complaining about the quality of work, and there appeared no way out for individuals affected.

I think the several new sections written into this Act, as I have just enunciated, give justice to the average citizen. I know this was the wish of the committee. Section 73 has been delineated in my mind as a very important section and this is the principle that the council and the operation of a municipal office has an obligation to all the ratepayers in the township or municipality in relation to drainage matters.

I'm pleased that the costs of special council meetings should not be included as a special cost in the overall cost of a drainage works. Certainly the council and the officers of a municipality have a responsibility to all the citizens and should bear some costs. In that same regard, dealing with the special fees that in the past have been paid to the clerk for his extra work, I think the committee was unanimous in feeling that this was a total municipal obligation and that these particular costs should not be borne solely by the drain in question.

The major change in the direction given by this particular Act is a fundamental change which I hope will save the taxpayers of our province thousands and, indeed, millions of dollars in the future. I base this on the very important principle contained in the sections on maintenance of drains.

One of the most shocking things I found—and I'm sure it is etched in the minds of all the members of the committee—was the evidence presented to us through the length and breadth of our province that the drains were often neglected and allowed to go into disrepair in order that they might qualify for subsidy grants from the province, rather than carrying out a normal, proper and continuous programme of maintenance.

The fact that grants will be given under this Act for maintenance, upon the recommendation of a drainage superintendent in the long run should save our province millions of dollars; at the same time, it will keep the drains working, a fact we shouldn't forget.

To fortify this, another principle that had to be included was that one or more municipalities can hire a qualified drainage superintendent whose cost will be subsidized at the rate of 50 per cent by the province. I think this is commendable. It is important,

too, that these drainage superintendents have been given the powers to enter land just as were given to the engineer.

The last principle with which I would like to deal this afternoon is that contained in section 123. This section now allows a council to request of the minister the right to do emergency work before obtaining an engineer's report. I feel that this particular section will be used very infrequently but it is essential, as I have learned in the past, to expedite emergency works in relation to drainage matters. In the past couple of years, with the serious flooding on the Great Lakes and the action that was required in the township of Mersea, in the county of Essex, we were able to save many hundreds of acres of valuable farmland because we were able to proceed through ARDA to carry out works before any necessary petitions and so forth were carried out.

Mr. Speaker, I have commented on many but not all the principles contained in this bill. I am pleased that the ministry has seen fit to adopt almost all of the recommendations of our select committee. These fundamental changes to help expedite drainage, to protect the environment and to give justice to the average citizen, are very important. I'm pleased to have played a role in the development of this new Drainage Act, and I trust that it will serve the people of the province for many years to come.

**Mr. Speaker:** The hon. member for Hamilton East.

**Mr. R. Gisborn (Hamilton East):** Mr. Speaker, one must be congratulatory in two areas in regard to this bill: (1) in the depth of the investigation by the select committee and (2) the expeditious manner in which the report was handled by the government.

I've been around for quite a while and I have sat on a few select committees and I have read many select committee reports. A lot of them still sit on the shelves of the government somewhere without being given the attention they deserve. I am happy.

I know one might think the Drainage Act or talking about providing for proper drainage procedures in the Province of Ontario was an insignificant objective but we have to realize that the bill itself—I haven't read the details of it; I have skimmed through it and I have read the explanatory notes—in my estimation, listening to the speeches by the members who sat on the committee, goes hand-in-hand with proper planning and official planning. It is something this province has been lacking for years but we are

coming to the point of having a provincial official plan; we are working on it. It's a slow process. In my opinion also many areas of the province which are the responsibility of the regional governments are a little lax in coming to the point of having proper work done on an official plan to make the province what it should be.

I think we should be a little bit aware of a bill of this type. It is lengthy; very detailed; the machinations to implement it are going to be great; and it is going to necessitate a great deal of co-operation and closeness in many areas of administration if the bill is going to avoid the bureaucratic red tape which many of these types of operations entail. The move to regional government in the province makes that more so. I have had some experience with people who have applied for a building permit to put an adjacent building on to their property and the red tape and the procrastination in receiving a permit nowadays would drive one completely up the wall.

I know one party who advanced through the area council, through the regional council, and figured she had done all she needed to do to get a permit to go ahead with adding to her property. Then she found she had to make application to the conservation authority which meant three trips to Galt to talk to the conservation authority. They had not received plans which had been submitted in the first place. There were five sets of plans submitted by this one person to get permission to build on her property.

I would hope those who are responsible for piloting this bill, putting it into shape for operation, making sure that the regulations are in tune with what is needed—one could hardly imagine what regulations would be needed with a bill as detailed as this one. It calls for the Lieutenant Governor to set up regulations to make the bill work. I hope the regulations will provide something I haven't found in the bill—that is, the instruction that there must be a complete follow-through and a connection with all the various departments involved in any kind of a project which takes place.

I notice, for instance, there is only one slight reference to the conservation authority and that is section 49 which says:

Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by



the authority under the Conservation Authorities Act, and in every case a written notice of appeal shall be served within 40 days after the mailing of the notices under section 41, R.S.O. 1970, chapter 136, section 35 amended.

I would think that is not good enough. As soon as the preliminary investigation has started, these people should be notified. Conservation authorities in any jurisdiction should be notified that preliminary engineering has started for a project in this particular location so that the authorities will be on top of it. They could maybe contact the engineer immediately and say he had better watch this condition because he is going to run into trouble. Then they would not find what I found in many cases where one thinks he has everything settled until finally he gets a nice little letter from the conservation authorities saying he had better come up and see them because they've got something to say about this. This would work right down through all of the various sections of administration across the province.

The regulations are going to make it work properly. The lack of red tape, the co-operation and the cohesiveness of many departments, once they start a drainage project, are going to be the proof of the pudding of the worth of this bill. I know of the depths to which the committee went to investigate and find out what the problems were. They were lengthy. I am happy that the government has moved expeditiously in drafting such a long bill. I think both should be congratulated.

But I do hope that we won't find it another red tape bill that will add more to the cost of implementing the Drainage Act. There's going to be cost to the municipalities and there's going to be cost to individuals. There are going to be decisions to be made on the split of the cost between area municipalities and regional municipalities. The Environmental Assessment Act is going to be involved in it. There has to be a cohesive understanding to avoid the red tape, the bottlenecks and the slowness of the implementation of this Act, if those kinds of problems aren't given attention to.

**Mr. Speaker:** Does any other member wish to enter this debate? The hon. member for Huron-Bruce.

**Mr. Gaunt:** Mr. Speaker, I just want to say a few words about this bill. My colleagues have talked about its provisions at some length and I don't want to repeat them. I just want to say that in general terms I

think this is a good bill. I want to pay tribute to the select committee because I think they did a real service in this particular area. Their studies have indeed proved very worthwhile when one takes a look at the recommendations in their report and then takes a look at the provisions under this bill. Much of the report has been implemented by way of this particular bill and I certainly think that the committee has done a real service for the people of the province in providing a streamlined procedure whereby people in the province can undertake drainage projects.

Really there are two points I wish to make with respect to this bill. The first one has to do with the overall problem of drainage and how we should view it. I recognize full well the great importance of drainage and particularly farm drainage. I understand and appreciate fully the fact that much of the farmland which we have in production today is only in production because of adequate drainage.

Had it not been for drainage, our total farm production in this province certainly wouldn't come anywhere near what it is today.

Having said that, I have really only one caveat with respect to drainage and that has arisen within the last year as far as I am concerned. It comes mainly from a conversation with my local conservation authority and with other people who are knowledgeable in this area who have determined, for instance, in the area from which I come that a heavy rainfall of, say, 3 in. of rain in a fairly concentrated period of time will result in a flash flood simply because, according to the conservation authority, farm drainage has reached the point where vast areas of land are now drained, which means that when we have a heavy rainfall, all of that water rushes into the rivers and the streams at an accelerated rate, causing a flash flood.

I simply put that in that context because I want to inquire from my friend, the parliamentary assistant, what studies if any have been done to determine when we reach a point of overdrainage. If and when we do reach that point, what particular courses of action is the ministry prepared to take?

I happen to hold to the view that we shouldn't drain every nook and cranny in this province. I think there is a balance there; I think there has to be a balance there. I think we must have a certain percentage of land in marsh or in water-holding areas so that we don't encounter this kind of thing to the extent that apparently we are



encountering in certain areas of the province.

I realize full well that there are many areas of the province that don't have adequate drainage, such as eastern Ontario, perhaps areas in the southern part of the province, Essex and Kent and so on, and perhaps other areas as well. I'm wondering, though—I'm becoming a little worried about this—whether the ministry is undertaking any studies or analyses, to determine the optimum point at which the drainage programme should slow down. The optimum point having been reached, the ministry should take another look at some of the drainage programmes in that particular area. That's not to say that they wouldn't continue to encourage drainage projects in other parts of the province where the optimum hasn't been reached.

I just wonder whether or not we should be taking a look at this kind of thing in view of the very intensive programmes undertaken by some conservation authorities with respect to flood-plain mapping. That's a thorn in the side that I don't want to get into, because when you transfer the theory to the practical, then you run into all kinds of problems. We have situations in our part of the country where the conservation authority has undertaken flood-plain mapping and it has placed entire farms in the flood plain, which means that the farmer can't build a shed, he can't build an addition to his barn, he can't do anything. I think the cure becomes even worse than the disease under those circumstances.

I put that to the parliamentary assistant because I want to try to get some assurance that there are the checks and balances in this system which would give us some sort of assurance that we're just not going ahead full throttle in draining every square inch of land we can get our hands on.

The other point I want to comment upon in relation to this particular bill is the appeals procedure. I must say that when I read this through, I was somewhat confused; however, having heard some of the speeches, I think I have it clearly in my mind now.

As I understand it, there are three avenues of appeal. The first one has to do with the court of revision, which deals solely with the assessments, as I understand it. Then there is the Ontario Drainage Tribunal, which deals with the technical aspects of the project. If the person who is affected by this project says, "I feel that the drain should go 500 ft to the south," and he feels that he can make a good case with that, then he

would take that to the Ontario Drainage Tribunal, as I understand it.

The referee, on the other hand, deals only with matters of law with respect to whether the four corners of the law are being replied in regard to the Act itself. If there is any divergence, it is up to the referee to so find and to make recommendations to have it corrected. That is the function of the referee, as I understand it. He deals only with matters of law.

Now, it seems to me that particular system, while I understand it was the proposal of the drainage committee to simplify all of this, seems to be unnecessarily complicated. I think that the landowner or the farmer should only have to worry about, at the most, two different stages of appeal, rather than to try and sort out whether he is worried about a technical matter, hence he would have to go to the Ontario Drainage Tribunal, or if he is worried about a question of law he has got to try and sort that out and decide that he has to go to the referee. And then, of course, there are the matters having to do with the court of revision, which mainly pertain to the assessments under the terms of the Act.

It seems to me that there must be a simpler appeal procedure, other than the one in the bill. I would ask the parliamentary assistant to give that some thought. I think there could be some confusion on the part of people who are not learned in the law and who are not, perhaps, very conversant with the Act. Generally, if the matter were simplified, I think it would be to the advantage of the great majority of people, who are really ordinary people in the sense that they are not learned in the law and they are not, perhaps, very conversant with the Act.

The other point, and the final point which I want to raise, comes in the form of a question. When will this Act be in force? I notice that it comes into force on a day to be named by proclamation of the Lieutenant Governor, rather than on receiving royal assent.

I presume that the purpose of that is to establish the Ontario Drainage Tribunal and to get the personnel in place, and so on. But my concern is that I would hope that the Act would not be put on the shelf for a number of months before it is proclaimed. I think it is important that the Act go into force as quickly as possible. I am just wondering what sort of time-frame the parliamentary assistant has in mind before the Act is named by proclamation.

I think those are all the comments that I have, Mr. Speaker. Thank you very much.

**Mr. Speaker:** Do any other hon. members wish to speak to this bill? If not the hon. parliamentary assistant.

**Mr. Eaton:** Mr. Speaker, I was most pleased to see the number of members who have participated in the discussion on second reading of this bill. I think it indicates some of the importance placed on this bill, especially by the rural members who have participated, because there probably is no more technical tool available to us in agriculture today than farm drainage for increasing crop yields across this province. I think we are looking for breakthroughs all the time to increase yields and increase production, and we know at times we may get these. Here is one that is at hand. It's a tool we have available and which probably isn't made enough use of across the province.

I think we found in our travels on the select committee that in many areas there were people who were waiting to use it and who wanted to use it but who were being held back by councils which perhaps didn't understand the Act. In our travels as a select committee we probably created quite an interest in the use of farm drainage and municipal drains across the province. I think the committee and the committee chairman can take full credit for the stimulation of this and the interest that it has brought about. I know that many of the members who spoke were members of that committee. They have made a number of mentions of some of our travels, some of the places we were and the fine hearings we had in the province.

I think the member for Cochrane South (Mr. Ferrier) made reference to the fact probably there was no greater democratic participation in developing legislation than what took place in the development of the drainage legislation and the input that was brought in through our committee. I think the member for Hamilton East mentioned the way in which this legislation has been worked at since the report was brought in, that it hasn't been allowed to sit on the shelf, and that most of the recommendations of this committee are being developed in the Act. They are not all there, but I would say that probably no committee report that has been presented to this Legislature has had more of its report adopted than what has been adopted in the legislation that we have brought forth from the land drainage committee's report.

To comment more specifically, I am not going to go into all the sections and say all the good things I think are in there. I think many of the members have covered that, par-

ticularly the chairman of the committee who is well-versed on land drainage, having participated not just as chairman of this committee, but many years back in his own municipality on council in developing probably one of the most extensive drainage systems of any county, in Lambton. He commented on many of the sections of the report that are being adopted in this legislation, as did many of the other members of the committee. They mentioned a number of the good things that they have seen in it.

There were a number of questions raised, however. This is the area that I would like to dwell on for a few minutes to try to clear up some of the points that have been raised through questions. I refer particularly to several raised by the member for Sandwich-Riverside, regarding certain segments of the report, certain recommendations that may not have been adopted.

First of all, I would refer to the recommendation on an environmental hearing and the fact that an environmental hearing is compulsory in the case of requisitioned drains, but not in the case of other drains. We felt it should be optional to the councils to make this decision in the case of most drainage, the reason being that in many areas I don't think there is any question. As we travelled, we had this discussion all the time about white areas, the black areas and the grey areas, as far as what should be drained and what shouldn't. We have left it in the hands of the local council to make that decision in the case of the drains, with the exception of requisitioned drains.

In doing this, we have also given the Ministry of Natural Resources the option to call for an environmental hearing. In making it compulsory on requisitioned drains, it was felt that these drains are put in often when there is controversy. It's a case of one person forcing a drain across someone else's property and for that reason we felt that we would require that it be a compulsory report included with the engineer's report.

We are not particularly expecting the engineer to do that report himself. In some cases he could comment on it, because it might be a fairly clear-cut case. But in other cases he would have some people from our ministry or from Natural Resources come in, make comments and develop a report on how they feel it will have an impact on the environment. Those are the particular reasons we have followed that course.

The other question he raised was regarding the grants for requisitioned drains. Here again, we differed slightly from the report



of the committee, the reason being that since we raised the level to \$7,500 and since about 40 per cent of the drains installed in the province could come under that figure, we could find that because they are going to get a grant on them, everything would be taken care of in the same way as is the case with petition drains. We would have many people doing this automatically and forcing a drain through, rather than consulting with their neighbours, going through the proper petition procedure and bringing the drain about in that way.

Our reason for not allowing the grant on that basis is, as I say, so that we won't have 40 per cent of the drains coming under this procedure rather than through a proper petition. It really leaves this as the procedure to follow where someone is just not going to accept a drain going through a particular area and they are not going to work with the applicant on a petition; and we are going to have the environmental report as part of the report.

Another question the member raised was in regard to the commissioner and the superintendent. In that regard I think the member for Essex South made a remark pertinent to his area—and to this member's area too, I guess—in regard to the marshes. The commissioners operate in regard to certain situations on the marsh and we anticipate leaving them there. We also anticipate, as the hon. member realizes, that the superintendents will be optional to the communities. There may be areas where a drain put into a township might be the only drain that has gone into that township, and they can appoint a commissioner to look after that.

Examining the bill for that, because I thought it was in there, I find that isn't quite covered properly, so we may have an amendment to clarify that when we get to committee.

Another point raised by the member and, I believe, by the member for Huron-Bruce was the appeals. I think I would like to cover the whole situation on appeals, which was raised by several members and try to clarify it.

First of all, the appeal to the court of revision is one that has been there and one that we are retaining. That's on the assessment. It's quite direct, it's quite local and I think most people understand that now. That will still carry on that way. However, prior to that, if they weren't happy with that, they had no recourse.

Under the terms of this bill, if they do want to appeal that assessment, they can

appeal it to the tribunal rather than go the court route. Of course, this is true with technical things involving the drain. I think someone mentioned the possibility of someone feeling the drain should be moved over 500 ft; technical things like this will go to the tribunal. I don't feel it's all that complicated, because personally I believe that for most people, who may not even be appealing their assessment but who feel they are aggrieved in some way, their recourse at that time is the tribunal. They don't have to consider the referee because they can take their case to the tribunal. Then if the tribunal thinks it's law, the tribunal can automatically refer it to the referee without any loss as far as the person's rights are concerned.

We really see two steps here. There is the appeal of assessment right at the local level, which is something everyone understands now. If they have anything else, they—

**Mr. Gaunt:** What if it is half and half, half law and half technical?

**Mr. Eaton:** They would still appeal their assessment at that time. They could appeal their assessment. If they have something which they think involves law, they can go to the tribunal. The tribunal can decide to hear that and give recommendations. Then if it is not acceptable, they have still that right of appeal in law to the referee. The tribunal can really make some comments and make a recommendation or a ruling on something which, I suppose, entails law in some way there. But if the person still doesn't feel it's right or the other side doesn't feel it's right they would have that course of appeal to the referee who sits in place of a court really.

I don't feel the steps are really too complicated there. The steps are laid down. Someone made reference, I think, to the fact they couldn't find the sections on the rights of the tribunal—now I can't find them either. Here we are—the powers of the tribunal are in section 51. The powers of the court of revision are set out in sections 52, 53, 54, 55 and 56.

Further on that, I think the member for Sandwich-Riverside raised the question of the right to change the assessment, and certainly the tribunal does have that. That's really the person's course of appeal if they don't accept what has been ruled on by the local assessment appeal board. I think it does indicate the decisions of the tribunal are final regarding the technical things—the assessment and so on—but on the matter of



law the course is open for them to take the channels; really the court is the referee at that point.

I think that covers most of the points the member for Sandwich-Riverside raised.

To get to some points raised by the member for Huron-Bruce, the member raised questions regarding studies which might be carried on by the ministry as to what is the limit of drainage really; how far can we go in drainage? I would have to say I'm certainly not aware, at this point, of studies we have which can show what the limit of drainage is. Certainly I agree with what he said about not draining every piece of land in the province; there should be some lands, probably, left for marsh, for water holding areas, etc. This is the reason we have brought in the section which allows the environmental hearing. There may be areas which should be left and if the council in its wisdom thinks it should be, the council can ask for a hearing on it and have it studied. It can be declared that that area shouldn't be drained and the drain can be stopped on that basis.

I think the member's concerns are well founded. I think all the members of that committee had the same feelings and this is why the report came forth with that recommendation in it. That's why we're accepting that recommendation.

In regard to whether or not drainage really increases the potential for a flood at a particular time is a questionable thing. I think perhaps there should be some studies on it. It's one that's pretty hard to measure. Certainly, some of the surface water is going to get away quicker. We're going to find water permeating through the soil much faster, too, because if the subdrainage has been working the ground is likely going to have more capacity to hold water. More will soak into the ground and be delayed a day or two before getting off the ground; it's going to go through the tiling system and permeate that soil. There's likely to be as much surface water which is going to have a quick runoff effect. In that way it could be some advantage against certain flood conditions.

We would certainly hope that any studies we do aren't, as the member indicated, like some the conservation authorities have done. As he says, they've declared areas of whole farms where one couldn't build a building. We certainly don't subscribe to that and we feel that somewhere there's a happy medium on these things. By putting in certain checks and balances in regard to the environmental

hearings, we feel that perhaps we can find the proper median on those.

I believe the member for Essex-South raised a question in regard to the cost of environmental hearings.

In our recommendations in developing the bill, we were considering these costs and whether they should be applied to the cost of the drain, or if the people responsible for carrying out the hearings should be the ones that are responsible for it. It was our feeling that the environmental hearings were being carried out on behalf of all of society. If the council felt that an environmental report be made on a drain, then they should be responsible for the cost. It would be spread over the total township, rather than be applied to perhaps three or four or five people who would be affected by the drain, who actually were paying for the total cost of the drain.

In that regard, we don't anticipate the cost should be too high in any case, but we didn't feel they should apply just to the people who are wanting to put the drain through. And in this case, if the council were to ask that it be part of the report, then council would be required to pay for the cost involved in that environmental report.

Likewise if it went on, then we have the Ministry of Natural Resources involved, and the same would apply in that case.

I think we have covered all the questions the members have raised; and I appreciate the points they raised in regard to many of the items in the bill that they support. I appreciate the fact that both opposition parties are supporting the bill.

We will have perhaps one or two minor amendments when we take the bill to committee. They are more for the purpose of clarification and definition. One is a proper description of roads. We will be bringing those amendments in.

The member for Lambton mentioned the association of rural municipalities and a couple of questions they were raising. We are going to meet with them tomorrow morning and go over the sections they have some concern about to see if we can clarify these. If there are some changes that might be brought about, then they would also be brought forth in committee. That's the reason we won't proceed into committee now, but will proceed with the bill on Thursday.

**Mr. Gaunt:** What about proclamation?

**Mr. Eaton:** I can't give the member a definite date on the proclamation. Certainly, if everything moves through here smoothly, we would like to be able to set up the course for superintendents some time this winter. I would think it would be proclaimed late this year or maybe early next year.

**Mr. Speaker,** I think that concludes my remarks on the bill.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand this is to be ordered to committee of the whole House.

**Mr. Eaton:** Yes, on Thursday.

Agreed.

#### TILE DRAINAGE AMENDMENT ACT

**Mr. Eaton,** on behalf of Hon. Mr. Stewart, moves second reading of Bill 131, An Act to amend the Tile Drainage Act, 1971.

**Mr. Speaker:** Does the parliamentary assistant have an opening statement?

**Mr. Eaton:** I would just like to make a few quick comments, Mr. Speaker. This bill is a companion bill to the Drainage Act as it refers to the tribunal that we have set up under the Drainage Act. Appeals can also take place under the Tile Drainage Act where a person is turned down for a tile drainage loan. It also brings about other recommendations in the report of the select committee in that we will be requiring sketches to be submitted to our tile inspectors where grants or loans are made for farm drainage. We will also be extending this to northern municipalities, under the recommendation of the committee, so that they will be able to get the same loans that the organized counties have received. They will be able to get 75 per cent of the cost of drainage work at the four per cent interest rate.

The bill also provides where land is no longer used for agricultural purposes the loan will become due and payable and, if it is paid back then it will also require that the debentures be paid back by the municipality.

**Mr. Speaker:** The hon. member for Essex South.

**Mr. Paterson:** Mr. Speaker, in speaking to this companion Act to Bill 130, it is an area the select committee spent considerable time on. There is no point in having a Drainage

Act and all its requirements without having the Tile Drainage Act to supplement it. As you realize, Mr. Speaker, if we built major drains without having subsurface drainage to drain into them, we would be defeating the purpose of these drains. Each 20 or 30 acres we can put into a major drain alters the cost-benefit ratio of that major expenditure in relation to the financial aspects as well as to the improved productivity of the agricultural producers of our province. With this thought in mind, our party does support the basic principles in this bill.

There are several sections I would like to query, and I know the hon. member for Kent has comments which he wishes to raise. The first section, allowing an appeal through the drainage tribunal where an applicant has asked to borrow money under section 3 and the council in its wisdom, or lack of wisdom, has decided that these moneys are not to come forth in the amount that is requested, is a supportable clause in the bill, although it does not comply with the exact wishes of the select committee recommendations.

As I recall our discussions and recommendations, we concluded that it should become mandatory on all councils to lend the total amount provided for in the Act. Here, again, we ran into situations where councils or councillors passed judgement on the property owners in the area as to their efficiency as farmers and their capacity to repay these loans. We realize this is an area of local responsibility, but I think the committee felt it was rather unfair that the credit of an individual applicant be questioned by a council—possibly at an open meeting—and be subject to discussion among the other rate-payers in that immediate area. I think this particular section would allow an individual property owner who has applied for X hundreds of thousands of dollars, if he is not satisfied, to take the appeal away from the local council level to the tribunal where possibly a judgement at arms' length may be more satisfactory. I think I can live with this particular section, although as I say it doesn't comply in total with our recommendations.

The second section, requiring a sketch to be submitted to the inspector on field tiles, I think is commendable. I was personally of the opinion, since the Ministry of Agriculture and Food does offer to draw plans for an individual farmer, taking into account all the technical considerations, that possibly this should be the initial step. He shouldn't qualify for a loan unless these plans are drawn accurately and, hopefully, are being



retained by the local ag office. No doubt these sketch plans will be filed with the ag office and will be of assistance to any future property owner who may purchase that farm property and who wants to know where the particular drains are.

I think it is essential in the long-term picture, as we move toward proper water management, that the numbers, locations and volumes of these individual farm drains are kept track of and we know exactly the volume flowing into any individual drain and subsequently to the outlet.

This does not go quite as far as I would like to see. I would personally like to see these sketches drawn by the ministry—rather than a sketch by the individual property owner—for purposes of record-keeping and possibly accuracy.

Section 4, Mr. Speaker, I believe takes care of the land speculator who may buy agricultural property and take it out of active agricultural production, in that they would have to pay up the outstanding loans registered against the property. Personally, I think the committee felt that a land speculator or a developer shouldn't benefit because of the improved condition of agricultural property because of under-drainage. Certainly the under-drainage would enhance the esthetics of the property and make it more readily salable to the public. As such, there is a responsibility on the land developer or speculator to repay these loans and clear off that indebtedness.

In section 6, I notice there has been no change from the old bill in the amount of the percentage of loan or the interest rate. I know we had considerable discussion concerning this matter and no doubt others will pass comment on that particular section.

**Mr. Speaker:** The member for Cochrane South.

**Mr. W. Ferrier (Cochrane South):** Mr. Speaker, I would like to say a few things about this Tile Drainage Act. As the member for Essex South has so well said, it is important that this Act come in at the same time because a lot of the benefits to be realized under the other Act are contingent on their being under-drainage and getting good drainage from the fields into the larger drains which are municipal drains and other waterways.

I think it is important that there be appeals to the Ontario Drainage Tribunal because some of the municipalities were not willing to go up to the 75 per cent level of

borrowing which was possible under the legislation. If the municipality did not pass the necessary bylaw the farmer in those areas could not get that kind of assistance. This will make it possible, as I understand it, for a farmer, if that's the case, to appeal to get a larger loan.

It also protects the municipalities because if a councillor feels that a person is not the best credit risk, on the understanding of his background, the councillor would not okay it. Now the person can go and has another chance. If he is a bad credit risk, he can be turned down the second time. If he is not as bad as they think, he's got a chance here of getting consideration.

I think it is also good that there be a sketch so that as years pass and ownership of a farm changes, if there is beginning to be a breakdown in certain sections, it will be possible for the new owner to locate the tiles and be able to do minor repairs perhaps rather than a full retiling job on that particular farm.

Of course, I am very delighted by the legislation which will make it possible in unorganized municipalities of northern Ontario—

**Mr. Henderson:** Cochrane North.

**Mr. Ferrier:** Cochrane North and Dryden—that's some place. I was stranded there the other day for six hours at the airport; that's our norOntair system, which is supposed to be so good.

**Mr. Eaton:** The member shouldn't have gone to that convention.

**Mr. Ferrier:** They don't even acknowledge confirmed reservations.

Be that as it may, Dryden is one of the areas which will benefit from this. There was a significant pocket of farmers, good farmers, living there in unorganized territory.

**Mr. Henderson:** What would the member be doing in Dryden?

**Mr. Ferrier:** I was trying to get a candidate in—

**Mr. Henderson:** Opposing that Liberal?

**Mr. Ferrier:** No, in Rainy River actually. Anyway, let's not get sidetracked to that.

**Mr. Cassidy:** We'll take the seat too.

**Mr. Ferrier:** This will mean that those farmers can get tile drain loans. Agriculture in the north needs encouraging. It is a viable



operation in a number of areas like Dryden and in the Rainy River area which already has the option because those areas are organized. In areas like Cochrane North or parts of Thunder Bay, maybe, and Kenora, this now puts the farmers on the same basis as they are in other places.

I am encouraged that in my own area there are two plots of tiled drains which have been set up under the agricultural office and the committee there. Drainage is being promoted, I hope, much more significantly in northern Ontario than before.

I think the committee as a whole is to be commended for giving this encouragement because it will help agriculture in the north to a significant degree. Often we get more rain than some of the other parts of the province.

I don't think I will make many more comments other than to say, as the member for Essex South said, we did have a good debate on the level of the loan and the interest rate. I see this has confirmed what was there before. Perhaps this was a good move. Maybe we were a little bit too generous in what we were trying to do but, of course, as far as

agriculture is concerned I feel we in government should try to encourage this industry in every way we can, to increase the food-growing capacity of our farmers. So many other people are getting big ripoffs and grants and everything else at least we should try to see that farmers get a fair deal. This was one of the ways we tried to do it on committee—to see that they got a little extra encouragement—and maybe the Ministry of Agriculture and Food in its wisdom, I don't know, didn't accept our recommendation. I guess they can't be as bright as the 11 members of the committee were.

Anyway, I know you want to call it 6 o'clock, Mr. Speaker, and I have made my comments. My colleague from Sandwich-Riverside will make more comments and I know the member for Kent is just chomping at the bit to get up and make some remarks, too.

**Mr. Speaker:** In other words, other members wish to speak to this bill.

It being 6 o'clock, p.m., the House took recess.

## CONTENTS

Tuesday, July 8, 1975

Health care costs, statement by Mr. Miller .....	3755
Ontario Hydro spending, statement by Mr. Timbrell .....	3755
NorOntair services, statement by Mr. Rhodes .....	3756
Ontario Hydro spending, questions of Mr. Timbrell: Mr. R. F. Nixon, Mr. Lewis, Mr. Singer .....	3756
Ontario Hydro building, question of Mr. Timbrell: Mr. R. F. Nixon .....	3759
Cost-sharing programmes, question of Mr. W. Newman: Mr. R. F. Nixon .....	3759
Wellington Hotel fire inspection, question of Mr. Handleman: Mr. R. F. Nixon .....	3759
Health care costs, question of Mr. Miller: Mr. Lewis .....	3761
Housing starts, questions of Mr. Irvine: Mr. Lewis, Mr. Cassidy, Mr. R. F. Nixon ....	3761
Ontario Hydro spending, questions of Mr. Timbrell: Mr. Lewis, Mr. Bullbrook ....	3763
Beef calf income stabilization programme, question of Mr. Grossman: Mr. Reid .....	3765
Revenue Ministry personnel, question of Mr. Meen: Mr. Shulman .....	3765
Disposal of Kitchener buildings, question of Mr. Rhodes: Mr. Good .....	3766
Interest subsidy programme for housing, question of Mr. Irvine: Mrs. Campbell .....	3767
Plutonium hazards, question of Mr. Timbrell: Mr. Burr .....	3768
QEW ramps control problem, question of Mr. Rhodes: Mr. Kennedy .....	3768
Election Finances Reform Amendment Act, Mr. White, first reading .....	3768
Ambulance Amendment Act, Mr. Miller, first reading .....	3769
Tabling statement of members' expenses for fiscal year 1974-1975, Mr. Speaker .....	3769
Resolution re No. 5, re Ontario Regulations respecting Niagara Escarpment planning area and parkway belt west planning area, Mr. Beckett, concurred in .....	3769
Niagara Escarpment Planning and Development Amendment Act, Mr. McKeough, second reading .....	3773
Third reading .....	3774
Pounds Amendment Act, Mr. Stewart, second reading .....	3774
Third reading .....	3774
Drainage Act, Mr. Stewart, second reading .....	3775
Tile Drainage Amendment Act, Mr. Stewart, on second reading .....	3795
Recess .....	3797









# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

**Tuesday, July 8, 1975**

Evening Session

---

**Speaker: Honourable Russell Daniel Rowe**

**Clerk: Roderick Lewis, QC**

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 8, 1975

The House resumed at 8:00 o'clock, p.m.

## TILE DRAINAGE AMENDMENT ACT (concluded)

**Mr. Speaker:** We will resume the debate on the second reading of Bill 131. The hon. member for Sandwich-Riverside.

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, Bill 131, An Act to amend the Tile Drainage Act of 1971, embodies some of the recommendations of the select committee on land drainage; such as the requirement that an inspector file along with his certificate a sketch showing the location, depth, spacing and direction of field tile laid in accordance with the financial arrangements made under the Tile Drainage Act.

The difficulty encountered by some farmers who were refused loans by their municipalities has been somewhat lessened in that they are now allowed an appeal to the drainage tribunal. In more than one instance, the select committee heard complaints, during its tour of the province, from farmers who had been denied approval by their municipal councils for a tile drainage loan. It seemed the councillors were taking a paternalistic attitude toward the applicants, deciding whether they had a good credit rating, whether they were good farmers or perhaps on some other grounds.

The councillors, of course, overstepped their authority. Bill 131, while not making the council's approval mandatory, at least grants the applicants the right of an appeal. This is not what the select committee recommended and it adds what is probably an unnecessary meeting for the tribunal. Nevertheless, in future, a farmer will not be at the complete mercy of some unfriendly members of council.

The framers of the bill have accepted our recommendation that where a tiled farm has been taken out of agriculture, any balance on the loan by which the tiling was made possible must be repaid at once to the Treasury of Ontario through the municipality. This money was made available for the improvement of agriculture at low rates of

interest—four per cent, if I recall correctly and when that agricultural benefit ends so should the cheap use of the taxpayer's money.

The bill also enables loans to be made to farmers in the unorganized territories, a move with which we heartily agree. Farmers in the unorganized territories of northern Ontario should have the same benefits as the farmers in other parts of the province.

I have no other comments which have not already been made once or twice, Mr. Speaker, so I shall merely say that we support Bill 131.

**Mr. Speaker:** The hon. member for Kent.

**Mr. J. P. Spence** (Kent). Mr. Speaker, I'd like to bring to the attention of this Legislature and you, sir, one point in this bill which concerns me considerably. Of course, we have discussed sections 1 and 2, with which I agree and I believe most of the hon. members who have spoken agree with this part.

It's on section 6, subsection 2:

The annual amount loaned to any one person under subsection 1 shall not exceed 75 per cent of the total cost of the work and shall constitute a lien on the estate or interest of the owner in the land upon which the work was done, and where repayment of the amounts so loaned is in default—

Mr. Speaker, when this was discussed in the committee of land drainage it was agreed, I believe by all members of the committee, that the loan which could be acquired would be 90 per cent of the cost of the work of under-draining farm land. We hear so much and so often that if we put in the main drains and don't do any under-drainage to the main drain, we are not getting real value out of our money. We read how important it is to under-drain farm land. We know it warms up the land five times as fast; and actually if the land is well drained it could increase production by 50 per cent. At that time I understood we all agreed we would be in favour of lending 90 per cent of the cost of tile drainage of farm land, but this

bill says it shall not exceed 75 per cent of the cost.

I wonder if the hon. member for Lambton (Mr. Henderson) who is familiar with this amount in this bill, could inform us what took place. I know somebody must have disagreed with the 90 per cent but I know the government won't lose any money because we have said so many times how important land under-drainage is, and we should be doing more of it. It is generally those men who can't afford the other 15 per cent who cannot decide on under-draining their land; the men who need it most are the ones who are short of the 15 per cent. I think it would be a tremendous help to those farmers. Actually, it is hard in so many cases for them to borrow the 15 per cent of the cost of under-draining now, because the cost has skyrocketed. I would like to hear, and no doubt the hon. member for Lambton will outline to me his feeling on this very important issue under section 6, subsection 2.

**Mr. Speaker:** The hon. member for Essex-Kent.

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I was going to speak on the same thing as the member for Kent has just talked about, whether the loan should be 75 per cent or 90 per cent.

On the weekend I was visiting a neighbour who is clearing out 15 acres of bushland; it's virgin land, never been used before. With the increased price of land he felt it was necessary for him to clean out this bushland and expand his farming operations. He was informing me that it was going to cost him around \$300 or more an acre to have it cleaned out by bulldozing and so forth; and to tile it would be approximately another \$300 for two rods, I believe. We are talking there of over \$600 an acre and he is talking of \$10,000 to do a 15-acre field.

I think the member for Kent has a good point. With land at the value it has come to in the last few years and maybe with the necessity to conserve some wood lots we want to make good use of the land we have. Perhaps this might be one area where we could help.

We realize it means more money to be supplied by the province but it is a guarantee that the owner must make and is against the land so I want to reinforce what the member has said. I think he has a good point and I would be interested to see what the reaction would be from the parliamentary assistant. Thank you.

**Mr. Speaker:** The hon. member for Lambton.

**Mr. L. C. Henderson (Lambton):** Thank you, Mr. Speaker. In rising to take part in the debate on Bill 131, An Act to amend the Tile Drainage Act, I have listened with a great deal of interest to the members for Cochrane South (Mr. Ferrier), Sandwich-Riverside, Essex South (Mr. Paterson), Kent, and Essex-Kent. I might say, Mr. Speaker, they have all brought out very good, very interesting points.

In order to have it on the record, Mr. Speaker, and to support, possibly, the statement of the member for Kent, a crop of soya beans in Essex-Kent or Lambton, with excellent drainage, will possibly yield 40 bushels to the acre; with average drainage possibly 30 bushels to the acre; with poor drainage, 10 to 20 bushels to the acre. The difference between mediocre drainage and good drainage is possibly 20 bushels to the acre. I would like the member for Kent or the member for Essex-Kent to differ with these figures if possible. At that rate, at today's market rate of almost \$5 a bushel, it would make a difference of about \$100 an acre.

**Mr. R. F. Nixon (Leader of the Opposition):** What about bird's-foot trefoil?

**Mr. Henderson:** Bird's-foot trefoil, with good drainage, would possibly double that, with the right type of care taken; but I don't know of anyone who would have the time or the energy to give it the—

**Mr. R. F. Nixon:** The member used to be the bird's-foot trefoil king.

**Mr. D. A. Paterson (Essex South):** What about Crown-vetch?

**Mr. Henderson:** Before I became a member here I used to have lots of time to go out and count them.

**Mr. R. F. Nixon:** He had to work for a living.

**Mr. Henderson:** Yes, I used to count the number of pods on each plant and count the seeds in each pod.

**Mr. R. F. Nixon:** I know; and he used to try to sell it to me.

**Mr. Henderson:** Anyhow, it is kind of interesting that the member brings that up. I had the pleasure Sunday afternoon of walking out through 60 acres of bird's-foot trefoil, beautiful in yellow flower; I always call it

gold. This year it will come through, I believe, in time for an election, to help finance that campaign.

Mr. G. Nixon (Dovercourt): Right on there.

Mr. R. F. Nixon: That is not like the largess the member usually distributes.

Mr. Henderson: No, that's right, I have a few of those cows that eat up this bird's-foot trefoil, too, Mr. Speaker. They like good drainage along with it; they like a nice spot to lie down and be dry on.

Mr. R. F. Nixon: We all like good drainage.

Mr. Henderson: Right, Mr. Speaker, I am sorry I got led astray but when the hon. Leader of the Opposition mentioned bird's-foot trefoil—

Mr. R. F. Nixon: That is the first time he has been led astray.

Mr. Henderson: Yes, the member is very kind. I really didn't realize that, Mr. Speaker.

However, to get back to the subject we are speaking about, Mr. Speaker, and to get back to poor drainage as compared to good drainage; when you go through with your municipal drain, Mr. Speaker, you are just supplying the outlet. In order to complete the job you have got to have the tile drains. Poor drainage is when you have the municipal drain constructed to the person's property, Mr. Speaker.

Following that, the person is going to have to spend about \$400 an acre to get comparatively good drainage. I suggest to you, Mr. Speaker, that this will double the income from that land, and the comparison I have set out is a soya bean crop. I could do equally as well with wheat; I could do equally as well with corn or even foliage crop of any type.

Now, Mr. Speaker, you can readily see that tile would pay for itself in four to five years in the increased crop. But I am sure the hon. members who have been involved in the agricultural industry will realize that it is not only the increased crop, it is also so much easier to work land that is properly tiled. So, I strongly believe in tiled land. I believe tile drains should be at a cost that farmers can afford.

The hon. member for Kent has asked a question about the committee's report of a 90 per cent loan. I am equally concerned, Mr. Speaker, with respect to the 90 per cent

loan that was recommended by the committee I chaired. I am sure the hon. members would agree with me and with the Minister of Agriculture and Food (Mr. Stewart), when the minister sized up the whole situation in his response to me on the 75 per cent as compared to the 90 per cent. The minister felt that at the present time there is sufficient demand for the services of contractors who are in the business of supplying tile, and all the relating factors.

At the same time I reminded the minister that our government here in Ontario, the legislative assembly, and the government of Canada, had improved housing conditions. They have made loans available for a much lower down payment in the housing field than the 90 per cent our committee had recommended.

However, Mr. Speaker, the minister has verbally assured me that this is not a complete turn-down for the 90 per cent, but it's a turn-down at the moment. He would be willing to reconsider the situation at any time in the future. If I have that assurance from the parliamentary assistant that he is ready to reconsider this at a future date with the thought of 90 per cent in place of the present 75 per cent, I will be quite ready to accept the proposal.

Now there are one or two other clauses I want to touch on in the bill, Mr. Speaker. It has been suggested here that we as a committee did recommend that it should become compulsory for a council to loan whatever it may be, whether it be 75 or 90 per cent. I was the chairman of that committee and I recognized that we recommended this, but I do congratulate the parliamentary assistant and I do congratulate the staff on coming up with this process where there is an appeal available. As you know—I must use the figure of \$400 an acre—there have been areas in this province where it is costing \$400 an acre and the local council will only loan 50 per cent. Under this proposal, there is room for an appeal. I believe and I accept it as maybe being a better solution than we as a committee recommended.

Now in section 2, with respect to the sketch indicating the area, I feel much like the member for Essex South, that possibly this is not stiff enough. Possibly there should be an engineer's plan available to the farmer for a very small fee when he gets the tile loan approved. Members of the committee well remember the many different places this was brought to our attention. When new owners occupy farms, in the wet



season they don't know where to look for their tile.

I refer members to subclause 2 of section 3. This is certainly going to reduce bookkeeping for the municipality and bookkeeping for the department; and of course if we reduce bookkeeping we're reducing mistakes.

I refer members to section 4, where it is suggested that if any land that has a tile loan goes out of the agricultural field and more or less goes into land speculator's hands, the loan for the drain must be repaid. To me, this is progressive legislation. This Act is made to assist the agricultural industry, not to assist the developer or the land speculator.

I just want to speak for a moment or two on the great northern Ontario. The committee, as was mentioned by the member for Cochrane South this afternoon I believe, was in Fort Frances when the fog got too much for the members of the committee and we were almost late getting to Dryden. How many farmers did we have there waiting, very interested? The member for Cochrane South suggested they have their demonstration plots. Through you, Mr. Speaker, to the parliamentary assistant, I want to thank the Ministry of Agriculture and Food for carrying out this demonstration plot that we as a committee recommended.

I can only conclude, Mr. Chairman, by again asking the parliamentary assistant if he will give us assurance that if the tile drainage business becomes a drag on the market, he as parliamentary assistant, or the ministry, will reconsider the 75 per cent with the thought of making the 90 per cent loan available in the future. I would suggest that Bill 130 would have to be proclaimed in order to make Bill 131 a complete success.

With these assurances, Mr. Speaker, from the parliamentary assistant, I can support the bill fully. Thank you, Mr. Speaker.

**Mr. Speaker:** Does any other hon. member wish to take part in the debate before the parliamentary assistant responds? The hon. member for Middlesex South.

**Mr. R. G. Eaton (Middlesex South):** Mr. Speaker, I'm pleased to hear that everyone is supporting the bill, with a few qualifications that I think we can take care of.

First of all, I would like to make reference to what a couple of the members raised—the member for Essex-Kent and, I think, the member for Sandwich-Riverside and the member for Lambton—over the mandatory recommendation that was made in there in

regard to the tile drainage loans. Probably no one pushed that any more on the committee than I did, and I had a couple of real rounds of debate with some councillors. My particular concern at the time was the fact that they would grant someone a loan of 40 per cent or 50 per cent, knowing that the person would get the rest of the money some place else and pay a higher interest rate for it. They weren't judging it on the basis of whether or not they were capable of paying or able to pay, but rather they were deciding that they just shouldn't be loaning that much, the 75 per cent.

I think we did get that message through to a lot of the councils in our discussions. We felt that we shouldn't be taking the complete prerogative away from the council in these situations, but that they should have some opportunity to make decisions; and, once again, the person would have an opportunity to appeal to the tribunal. It isn't to say that if they appeal their appeal is going to carry force. In other words, the council could be making the decision that would be upheld by the tribunal, that the tribunal would feel was the right decision. But it gives the person the opportunity to appeal if they think they've been unjustly treated. For the reason of not taking the complete discretion away from the council we didn't make it mandatory, but we have given that opportunity for appeal.

The other item which seemed to be foremost is the 90 per cent level of the loan. Certainly that was a recommendation that was made by the committee.

I don't think it was quite unanimous. There was some disagreement on the 90 per cent, no interest; somebody suggested two per cent interest and somebody else suggested 80 per cent. Finally we more or less agreed on these figures.

When we examined it with a view to placing it in the Act for this season, we found the tiling contractors are now working to capacity and most of the tile yards are in the same position. If we were to increase the loan to 90 per cent we feel there would be, perhaps, an extra pressure on the tiling contractors. They would find there was quite a demand and they might just shove their prices up a bit.

So the 90 per cent, in perspective, might really work against the farmers who were doing the tiling. For this reason we haven't put it in the Act. We have said that we will review it annually and look at the conditions that prevail at that time. I assure the member for Lambton that we will review it.

Another item that was raised, particularly by the member for Essex-Kent, was in regard to the sketch plans. I think the member for Sandwich-Riverside also felt it should be mandatory that they have a sketch plan from the ministry.

At the present time the ministry is really doing a small percentage of the total number of tile plans that are being drawn up. As members know, we're under some restrictions as far as expanding staff is concerned at the present time. We just don't feel we could handle any more of it to make it mandatory that there had to be a sketch plan drawn up by the ministry; however, it is mandatory that there be a sketch plan. Whether it is drawn by an engineer, the tiling contractor or is one which is prepared by the applicant, that must go in when application for the approval for the loan is made and it will be a part of that. So we will have that record of all the tiling systems that are put in in the province.

I noted with some interest the mention by the member for Cochrane South of the demonstration plots. That was one of the things which came out quite clearly to the committee when we were travelling through that area. Some examples to show how tile drainage would work in those northern districts would certainly help and, of course, we have proceeded with those.

I noted with some interest too the mention the member for Brant (Mr. R. F. Nixon) made about the bird's-foot trefoil that was raised in Lambton county—

**Mr. Henderson:** It's yellow gold.

**Mr. Eaton:** —and that the member for Lambton had some reputation for bird's-foot trefoil.

**Mr. R. F. Nixon:** They've got great silos down there too.

**Mr. Eaton:** I kind of wondered what the member for Brant had a reputation for, then I remembered that picture in the Toronto paper of him wheeling manure. I know now what the member for Brant has a reputation for.

**Mr. R. F. Nixon:** It's good stuff.

**Mr. Henderson:** The Leader of the Opposition still has a silo, has he?

**Mr. Ruston:** We call that fertilizer.

**Mr. Eaton:** So, basically we've covered the items that have been raised. If there is any

particular clause which the members want to discuss, I'm willing to go to committee of the whole House on it. If not, I think we can move on to third reading, Mr. Speaker.

**Mr. Speaker:** The motion is for second reading of Bill 131. Is it the pleasure of the House that the motion carry?

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion: Bill 131, An Act to amend the Tile Drainage Act, 1971.

**Mr. R. F. Nixon:** That's it, eh? Let's go home.

**Mr. Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

### ROYAL ASSENT

**Clerk of the House:** The following are the bills to which Her Honour has assented:

Bill 95, An Act to amend the Health Insurance Act, 1972.

Bill 96, An Act to amend the Ministry of Health Act, 1972.

Bill 104, An Act to amend the Pregnant Mare Urine Farms Act.

Bill 105, An Act to amend the Ontario Transportation Development Corp. Act, 1973.

Bill 107, An Act to amend the Municipal Act.

Bill 115, An Act to amend the Stock Yards Act.

Bill 116, the Ontario Agricultural Museum Act, 1975.

Bill 117, The Mineral Emblem Act, 1975.

Bill 119, An Act to amend the Theatres Act.

Bill 123, An Act to amend the Public Health Act.

Bill 124, An Act to repeal the Health Insurance Registration Board Act.

Bill 125, An Act to amend the Health Disciplines Act, 1974.

Bill 127, An Act to amend the Highway Traffic Act.

Bill 128, An Act to amend the Public Lands Act.

Bill 133, An Act to provide for an interim Freeze in the Price of certain Petroleum Products.

Bill 134, An Act to amend the Pounds Act.

Bill 135, An Act to amend the Niagara Escarpment Planning and Development Act, 1973.

**Clerk of the House:** The fourth order, House in committee of the whole.

### COLLEGES COLLECTIVE BARGAINING ACT

House in committee on Bill 108, An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

**Mr. Chairman:** Any comments on any section of this Act?

On section 1:

**Hon. J. A. C. Auld** (Minister of Colleges and Universities): On section 1, subsection (m), if there is nothing before that, I have an amendment.

**Mr. E. J. Bounsall** (Windsor West): I have some remarks on subsection (f).

**Mr. Chairman:** We'll take the minister's first and then we will go back to you.

**Mr. Bounsall:** We'll take the minister's first as long as we can come back.

**Hon. Mr. Auld** moves that clause (m) of section 1 of the bill be deleted and the following substituted therefor:

"strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding or any concerted action or activity on the part of employees designed to curtail, restrict, limit or interfere with the operation or function of a college or colleges including, without limiting the foregoing,

- (i) withdrawal of services,
- (ii) slowdown in the performance of duties and,
- (iii) the giving of notice to terminate employment.

**Mr. R. F. Nixon** (Leader of the Opposition): Would the minister care to indicate why under these circumstances he has decided to omit the cocurricular activities? Is it because of the discussion in the committee downstairs having regard to Bill 100? If so, wouldn't it be better if this bill were stood down until the debate on Bill 100 in the standing committee were completed?

**Hon. Mr. Auld:** Mr. Chairman, that is not the reason. I think the original draft was, I guess, pretty well put together on the same basis as the education bill. On the other hand, in the colleges—

**Mr. R. F. Nixon:** The similarity just strikes me.

**Hon. Mr. Auld:** —extracurricular activities are apparently quite different to what they are considered to be in the schools and high schools. Consequently, in some discussions with the Civil Service Association which raised this point, we decided we would remove this section because it wasn't really necessary as far as the colleges were concerned.

**Mr. Chairman:** Mr. Bounsall.

**Mr. Bounsall:** Yes, Mr. Chairman. I can quite appreciate that the cocurricular and extracurricular sections should have been removed. But it strikes me that this definition of strike, as included here, continues just too simple-mindedly and too sheepishly to follow Bill 100 regulating the negotiations between school boards and teachers. In the college system, there has never been—certainly under the bargaining system that has existed—a technique that approximated a strike such as the giving of notice to terminate employment, which is a technique the teachers in the secondary and elementary school in Ontario felt they had to use at one point as their only means of expressing their concern. This has never been used in the community college community to my knowledge.

It's not a logical or a natural function for them to take. To have included the giving of notice to terminate employment as one of the definitions for a strike in section 1(m)(iii), simply is not appropriate for the community college situation. I would like to hear from the minister why he feels he must include this, other than the simple, straightforward non-removal of a clause which is in the school boards and teachers collective negotiations bill and which he simple-mindedly carried over into this bill.



It really isn't appropriate to the community college scene and never has been; and it would not be a technique used in the future, particularly as this bill carefully lays down, step by step, through the fact-finder and the College Relations Commission and so on, the route that would be taken and the possible alternatives to arriving at what would be a strike in the true definition of the word; in other words, the withdrawal of services.

**Hon. Mr. Auld:** Mr. Chairman, as I said, the amendment I proposed deletes the reference to the discontinuance of extracurricular activities, which I think is the point that—

**Mr. Bounsall:** That wasn't my point. I was referring to what you still have, the giving of notice to terminate employment. It has never been a technique used in the college system in Ontario.

**Hon. Mr. Auld:** Well Mr. Chairman, perhaps somebody might try it some time, I don't know. All I can say is that I met with the representatives of the Civil Service Association. Their concern was the matter about extracurricular activities and we agreed to amend it. They seemed to accept that.

**Mr. Bounsall:** Mr. Chairman, I still don't think that's a strong enough reason for what is, to my mind, just a straight copy of a clause in the bill that would regulate negotiations between teachers and school boards. Teachers in the elementary and secondary school systems used the giving of notice to terminate employment when they thought that was the only means at their disposal to approximate a strike situation. They had written contracts that expired at a certain time, and they gave notice of termination of that contract at the appropriate time as the only means at their disposal of indicating they wished to take what is in essence strike action. That occurred a year ago last December and for a couple of months subsequent with some boards and teachers in the province. Last year when it occurred, they simply withdrew their services and it was called what it obviously was, a strike.

In the community college system, which is what this bill is all about, they have never used that technique. This very bill gives them the route by which they could arrive at a withdrawal of services, if it comes to that, having carefully gone through all the steps that are provided. But this definition of a strike would never be used and has never been used, and is not appropriate to this particular group of employees in our society.

Mr. Bounsall moves an amendment to the amendment to the effect that section 1(m)(iii) of the amendment be deleted.

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman** (Windsor-Walkerville): I don't want to speak on this amendment, Mr. Chairman. I want to speak on something prior to this.

**Mr. Chairman:** Any other discussion on section 1?

**Mr. M. Cassidy** (Ottawa Centre): Yes, I have some comments, Mr. Chairman.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** I would like to comment on section 1(l), but I'm trying to get some other legislation on that to look at. Perhaps the other matters related to this section could proceed and I'll come back to section 1(l) when you are ready.

**Mr. Bounsall:** Mr. Chairman, on a point of order. Are we dealing with section 1(m) as the minister presented it, plus any amendments to that, and then returning to other sections? Or do we turn to those other sections now?

**Mr. Chairman:** Is there any discussion or questions on any subsection before section 1(m)?

**Mr. Bounsall:** Yes. I indicated right at the beginning I had one on subsection (f). You then said, Mr. Chairman, that we would deal with the minister's amendment first.

**Mr. Chairman:** I think it would be appropriate then. Is there anything before subsection (f)? If not, we'll take the member for Windsor West on subsection (f). In the meantime, those amendments can be presented.

**Mr. Bounsall:** Do you mean that subsequently the amendments can be presented?

**Mr. Chairman:** When we are finished with subsection (f).

**Mr. Bounsall:** Mr. Chairman, this is the section which deals with the definition of employee. There is a lot wrong with this section as I see it, particularly in the last half which talks about the support staff bargaining unit set out in schedules 1 and 2 of this particular bill.

I might say of schedules 1 and 2 that the exclusions in those schedules are so wide that they remove virtually scores of people from the bargaining unit. If I just have a look at those schedules 1 and 2, the net is cast far too wide here.

The employees in the community colleges are broken down into two different sections, the support staff and the academic staff. I suggest to you, with respect to the academic staff, in terms of their teaching and in terms of their setup, the community college and the community college teachers resemble more the university model than the secondary school or the elementary school model. In the university model, it's quite clear all those university campuses that are contemplating forming a bargaining unit under the Ontario Labour Relations Board and all those which are amending their faculty association constitutions to get themselves into a position to make a successful application are definitely including chairmen and heads of departments. They are including directors of schools and in some places they are considering every person right up to the position of vice-dean.

As far as I know, it is not contemplated that deans be included in those particular bargaining units at the university level where most of those persons, including the deans, are elected to those positions. It is reasonable that the universities would include those in the bargaining unit with careful methods of selection particularly with the chairman virtually elected, directors of schools virtually elected and with deans selected through a democratic selection committee. I suggest to you that the directors, department heads and chairmen under schedule 1 who are exclusions for purposes of the bargaining unit for community colleges should all be included. Moreover, it's very important that they be included so that as soon as possible in that college system we establish the same procedures for the selection of those people to their positions as what currently happens at the vast majority, if not all of, the Ontario universities.

The chairman, the directors, and the department heads should be elected by their colleagues from within the department. Their colleagues may well receive permission to go outside the department and choose someone outside the department, should they be able to find someone from some other campus or some other vocation to be the chairman of that department or the director of the particular school, but it should be the choice of those persons intimately involved in that

department and that should be an elective procedure.

This is not the case at community colleges but this is the way in which we must be tending here, if the community colleges are to amount to anything, rather than having their chairmen and the directors of schools foisted upon them in all cases by the administration. Some of those appointments are obviously going to be good and some of them are going to be not so good.

The way one gets around that is to do what the universities have done, that is, virtually elect them all. There is no reason why they should be in any way an exclusion from the bargaining unit. They should be elected by the members of their own department to that position. There is no way that it should be an exclusion as we find in schedule 1.

**Hon. Mr. Auld:** Mr. Chairman, I might mention that there is an amendment proposed for schedule 1.

**Mr. Bounsall:** You have a schedule 1 amendment which deletes chairman, department heads and directors?

**Hon. Mr. Auld:** We have not quite come to that yet.

**Mr. Bounsall:** No, this is where the definition of it comes under the "employee," Mr. Chairman. Section 1(f) is where the reference to schedules 1 and 2 and the support staff is set out.

**Hon. Mr. Auld:** Mr. Chairman, if I might interrupt, in part II, section 4, it is quite clear that negotiations can be carried out between the council and the bargaining unit for the inclusion or exclusion of additional points. That is all negotiable.

**Mr. Bounsall:** What was the reference again? Section 2, part IV? My bill only goes to part III. What other clause are you referring to in which that right is clearly spelled out?

**Hon. Mr. Auld:** Part II, section 4 says: "Negotiations shall be carried out in respect of any term or condition of employment put forward by either party, except for superannuation."

**Mr. Bounsall:** Mr. Chairman, is the minister saying then that under section 1(f), an employee is defined as "a person employed by a board," and so on, "in a position or classification that is within the academic staff bargaining unit or the support staff



bargaining unit as set out in schedules 1 and 2"—and when you turn to schedules 1 and 2, you have, in schedule 1, "The academic staff bargaining unit includes employees of all boards of governors," etc., etc., "but does not include: (i) chairmen, (ii) department heads, (iii) directors." It seems to me that the definition of an employee, with reference to schedules 1 and 2 and with schedule 1 clearly saying: "The academic staff bargaining unit does not include: (i) chairman, (ii) department heads, (iii) directors," that is a very specific exclusion, and the wording of that can be interpreted no other way than as a full exclusion of the persons occupying those positions from the bargaining unit. That is my interpretation of the bill. If the minister is saying that because of clause 4 in the bill, which says negotiations can be carried out in respect of any condition by either party, except for superannuation, the position of chairmen, department heads and directors are bargainable in terms of inclusion in the bargaining unit, would the minister please stand up and state so clearly? It does not appear so as written.

**Hon. Mr. Auld:** Mr. Chairman, at the present time, as far as the college end is concerned, the difference between this bill and Bill 100 is that there is a collective agreement in force and we have designed this bill around the provisions of that agreement, including those who are presently included, excluding those who are presently excluded, but making provision for application before the Labour Relations Board to whether, in fact, somebody who is presently called a chairman or a director or a foreman or whatever, is actually carrying out the management functions of that position. This, I am told by my legal advisers, is a difficult position, because you can call somebody a foreman but it really depends on what his or her duties are as to whether, in fact, that person is management or not management. So there is a provision in the bill—and I can't put my finger on it at the moment, but—

**Mr. Cassidy:** Neither can we.

**Hon. Mr. Auld:** —I will come to it, if the hon. member will give me an opportunity—to provide that in the event of a dispute between the employer and the employee organization, whether somebody is management or not, no matter what the title, can be decided by the Labour Relations Board.

**Mr. B. Newman:** You are talking about section 82, are you, Mr. Minister?

**Mr. Cassidy:** Mr. Chairman, I am very upset by this bill because it—

**Mr. Chairman:** I am sorry, I have the member for Oxford. Are you on this point?

**Mr. Cassidy:** I am on this point as well, but I'll let the member for Oxford go ahead.

**Mr. H. C. Parrott (Oxford):** I made no presentation, sir.

**Mr. Chairman:** All right, the member for Ottawa Centre.

**Mr. Cassidy:** Could the minister please explain how schedules 1 and 2 are amended once they have been passed by the Legislature?

**Hon. Mr. Auld:** By the Legislature.

**Mr. Bounsall:** Following up that same point, Mr. Chairman—

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment for section 82, which is the one that I referred to a moment ago and which at present says:

If, in the course of bargaining for an agreement or during the period of operation of an agreement, a question arises as to whether a person is an employee, the question may be referred to the Ontario Labour Relations Board, and its decision thereon is final and binding for all purposes.

The amendment provides:

If, in the course of bargaining for an agreement or during the period of operation of an agreement, a question arises as to whether a person is an employee, including a question as to whether a person employed is a chairman, department head, director, foreman or supervisor, is employed in a managerial or confidential capacity, pursuant to clause (1) of section 1 and the schedules, the question may be referred to the Ontario Labour Relations Board, and its decision thereon is final and binding for all purposes.

I may say, Mr. Chairman, that copies of these proposed amendments were forwarded to both the opposition parties earlier today.

**Mr. B. Newman:** Is the minister referring to section 1(f)—an amendment to section 1(f)?

**Mr. Chairman:** Yes, 1(f).

**Hon. Mr. Auld:** Yes.



**Mr. B. Newman:** That isn't what I see. I don't see anything at all from you in the series of amendments I did receive, but I do see an amendment to that as suggested by the CSAO, which does make good sense. Their amendment reads as follows:

An employee means a person employed by a board of governors of a college of applied arts and technology in a position or classification that is within the academic staff bargaining unit or the support staff bargaining unit, [and they add] as defined in the existing collective agreements subject to future amendment by mutual agreement of the parties or by the Ontario Labour Relations Board under section 82.

It is, in fact, mentioned under section 82, so you would have the cross-reference. I think the amendment suggested by the CSAO does make good sense.

**Hon. Mr. Auld:** Mr. Chairman, I think that basically we have achieved the same thing with perhaps slightly different words.

**Mr. B. Newman:** Yes, we accept that.

**Mr. Chairman:** Shall item (f) carry?

**Mr. Bounsall:** I just want to make very certain of that, Mr. Chairman. The minister is clearly saying, then, that the decision as to whether a chairman, a department head or director in the academic staff, and a foreman or supervisor in the support staff, is a member of the bargaining unit, subject to his managerial or confidential capacity, will be a question that can be referred to the Ontario Labour Relations Board for its decision.

That is, the decision as to the eligibility of all these employees in the bargaining unit can be referred, upon request, to the Ontario Labour Relations Board for decision, and the input in the decision rests, not according to their particular name or title, but according to their managerial or confidential capacity. Is that what this section 82 means?

**Hon. Mr. Auld:** Mr. Chairman, I am not a judge so I don't interpret the law, but that's the proposed amendment for section 82, which in discussion with the CSAO seemed to satisfy their concern.

**Mr. Bounsall:** This isn't good enough, Mr. Chairman. I want to know quite clearly from the minister, quite categorically, does the amendment on section 82 mean that regarding those persons specifically mentioned in that amendment—chairman, department head, director, foreman and supervisor—the decision on whether they are to be included and

can be included in a bargaining unit is a decision for the Ontario Labour Relations Board and in that decision their discussion will hinge solely and only upon the degree of their managerial or confidential capacity? Is that what that amendment clearly means? And that, further, there will be no problem in the CSAO sending any one of the persons covered by that particular name capacity to the Ontario Labour Relations Board for a decision as to whether or not they should be included in the bargaining unit?

**Hon. Mr. Auld:** Well, Mr. Chairman, I assume there will be lots of problems and that's the reason we have a section in the bill, to refer it to somebody who will make a decision.

I can repeat what I said. The proposed amendment will make section 82 read as follows:

If, in the course of bargaining for an agreement or during the period of operation of an agreement, a question arises as to whether a person is an employee, including a question as to whether a person employed as a chairman, department head, director, foreman or supervisor is employed in a managerial or confidential capacity, pursuant to clause (l) of section 1 and the schedules, the question may be referred to the Ontario Labour Relations Board and its decision thereon is final and binding for all purposes.

And the only thing that I would add to that proposed amendment is that I would assume that either party, the bargaining agent or the council, can refer this kind of a question to the Labour Relations Board.

**Mr. Cassidy:** Mr. Chairman, I have to say that I am very depressed about the way in which the minister presented the bill and about the kind of provisions that are in that have been borrowed from the teacher bargaining bill, Bill 100, and in particular about what we talking about right now.

It's quite correct to say that the Labour Relations Board can determine whether or not somebody falls within the categories of schedule 1 or schedule 3, but that doesn't answer the question the member for Windsor West has been raising, which is whether the schedules themselves are reasonable or not. I think that on behalf of the NDP we both take the position that the schedules themselves are grossly unreasonable because of the nature of the decision-making process in many community colleges, which parallels of that of universities.

You know, if you were to take these exclusions, they would be far broader than those recommended by the Labour Relations Board in the case of a non-government organization where certification was being sought. For example, part-time employees cannot become members of the bargaining unit; that's people working up to 24 hours a week. Somebody engaged in a project of a non-recurring kind cannot be a member of the support staff bargaining unit. Now, a non-recurring project could be contract employment on the one hand. However, it could be that they are writing as a life work an etymology of the Hebrew language for some community college somewhere in Ontario, or some other project which requires many years in which to complete, but which will be non-recurring. Now surely they should not be excluded from being part of a bargaining unit because of that kind of thing.

People who are members of the professions are automatically to be excluded from the supporting staff bargaining unit, without any determination as to whether or not they wish to be. Now, surely whether or not they can be is a matter which ought to be bargainable, but it's not bargainable because it is here in the legislation.

My understanding of past practice, where there has been legislation affecting public servants in the province—and the people we are talking about here are deemed to be civil servants—has been that if legislation covers them, then it's either difficult or completely impossible for them to bargain. Despite the provisions in section 2 related to negotiations about what is bargainable, it is going to be very easy for a community college or for the regents to say: "Look, we are sorry. We can't bargain about who is in the bargaining unit or not, because it is laid out in Bill 108 that was passed in the summer of 1975, and until that bill as passed is amended, we simply can't accommodate your desires about broadening the bargaining unit"; or about not having a bargaining unit, I am not sure which.

Now if you get back to schedule 1 and if you read schedule 1 in conjunction with the definition of people being employed in a managerial, confidential capacity, and finally put those two together, the number of exclusions is absolutely tremendous. Somebody who is a part-time teacher, a part-time counsellor, a part-time librarian is automatically excluded from being a part of the academic bargaining unit.

As the member for Windsor West was say-

ing, an elected department head who, in certain colleges, may only hold the office for a year or two, will be excluded from the bargaining unit. You will get situations where you have people dropping out and then coming back in, if they serve out their term as department head and then drop out. This will inhibit experiments with administration, which is something that I would have thought the minister wouldn't be averse to in the community colleges, as people look for the best means administering in an environment which can be admittedly difficult.

You also get a situation—if I can take an example, Mr. Chairman, from Algonquin College in Ottawa—a college with half a dozen campuses, with a number of teachers in departments scattered all over the map. Now, there you may have five or six people on various campuses, each of whom is classified as a department head in each subject area. In certain cases, their departmental responsibilities may simply be that they get an extra \$250 a year and drop around to a meeting of the general department to report to the chairman once every month or so, and keep an eye on the two or three people who are also teaching in that particular subject area on their particular campus.

I don't see why they should be excluded from the bargaining unit. But the way in which this has been drawn up, by making it mandatory and judicable through the Labour Relations Board rather than bargainable, you've tied them in a straitjacket.

Also there is the title of director. Now I know that this is going to be referred to the Labour Relations Board, but they have no guidance. There's no definition of director here in the Act. And, once again, because of the variety in the 14 or 15 community colleges across the province, a director in one place may mean a very senior academic employee, and in another place it may be a title that's given to one of the older staff because it's like sending him up to the senate. They wanted to honour him a bit with a title, but they didn't want to give him too much administrative responsibility. So they give him the title of director, an extra \$1,000 in merit pay, and leave it at that.

Then, finally, when you come to subsection 5 of schedule 1 and subsection 5 of the exclusions in schedule 2, you're referred to other persons employed in a managerial or confidential capacity. I happen to have been away with our convention for the last week and a half and haven't had a look at the bill before tonight. I spent the last half hour



trying to find out where that elaborate definition of persons employed in a managerial confidential capacity would apply. The only place I could find it originally was in section 76, where the—

**Hon. Mr. Auld:** Mr. Chairman, I assume that the hon. member has not had an opportunity to see the proposed amendment to schedule 2?

**Mr. Cassidy:** Not yet, no.

**Hon. Mr. Auld:** Which his party received this afternoon.

**Mr. Cassidy:** I'm sorry, I haven't seen it.

**Hon. Mr. Auld:** Perhaps I might speed things up by reading it to him?

**Mr. Cassidy:** Let me just finish what I wanted to say, Mr. Chairman, and then I'll close off fairly quickly.

Because the definition of a person employed in a managerial, confidential capacity, as it stands now, unless the minister intends to greatly change it, takes that long list of exclusions in the schedules which is changeable only by this Legislature and adds to it the very general words of "a person who is involved in the formulation of organization objectives and policy in relation to the development and administration of programmes of the employer, or in the formulation of budgets of the employer."

As the member for Windsor West said, the university model is that everybody who's around the place in a department for more than a year or so in most campuses across the province is in fact involved in the formulation of organization objectives and policy and in the formulation of budgets. I've been teaching in university and I have been in that particular position. I've also taught at a community college and at Ryerson, and had I been there for more than a few months I, too, in that situation, would have also had an involvement both in the organization objectives and policy and also the formulation of budgets. In other words, if this definition is to be followed explicitly, it means the academic bargaining unit will not have a single person in it in a number of colleges where they have a fairly democratic administration.

Secondly, "Spends a significant portion of his time in the supervision of employees." Once again, at Algonquin College, even if they don't give them the title of department heads, the lead teacher—whatever he is called—on each of the little campuses spread

out from Hawkesbury to Pembroke who looks over the work of two or three of the junior profs, the junior teachers who have come in, will possibly come under that particular section.

"Is required by reasons of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee." Once again, that could be very broad depending on the particular structure of grievance handling adopted by that particular institution. I don't think the people who were involved in grievances, that category, ought to be incredibly narrowed by the institution simply to conform with this and to prevent a wide net being cast and a widening of the exclusions of people from the bargaining unit.

"Is employed in a position confidential to any person described in subclause i, ii or iii." If you have a democratic campus of a community college where almost all the academic people are involved in budget-making and organization objectives, among other things, along with their teaching, everybody who runs a duplicator or acts as a secretary or as a receptionist or as a TA or in any other capacity to that teaching staff could, theoretically, be excluded from the bargaining unit on the support side because he or she would be in a position confidential to those academic people.

Finally, just in case anybody is left to form part of this bargaining unit, the exclusion says a person employed in a managerial or confidential capacity includes any person who "is not otherwise described in subclauses i to v, but who, in the opinion of the Ontario Labour Relations Board should not be included in a bargaining unit by reason of his duties and responsibilities to the employer."

I have respect for the OLRB; I'm sure it would not use that clause as it could possibly be used. But that clause is so broad that it could be used to ensure that not a single employee would have bargaining rights in either the academic bargaining unit or the support bargaining unit. I tell you the whole thing is ridiculous.

I'd be interested to hear what amendments the minister has but my feeling is we should have a fairly thorough debate about this because I think it's an important and objectionable section. I think while we're talking about the definitions we probably should have this kind of discussion because so many of the definitions touch on these major issues and because of the fact that the government slipped this bill through last night despite



the assurances given to the member for Windsor West that the bill would be held over until today in order that he could be present to debate second reading.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, first of all as far as the exclusions are concerned—particularly the part-time people—this is the basis of the present agreement and one which has worked for some time. I think the hon. member realizes that in the community colleges, with the part-time and the evening courses and so on, the variations, the changes, are so great that there can be quite a turnover of part-time staff.

I have discussed with representatives of the CSAO this bill and the definitions. As I have said, the definitions in section 1, which is what we're really talking about as I understand it at this point in time, insofar as management exclusions are concerned are flexible and can be amended, as I mentioned a few moments ago, by section 82 by reference to the Labour Relations Board.

**Mr. Cassidy:** No, they can't.

**Hon. Mr. Auld:** Let me proceed. They can be challenged in their interpretation as to who is a foreman and that sort of thing.

**Mr. Cassidy:** Yes.

**Hon. Mr. Auld:** I understand that is standard practice in management-labour negotiations. The title is not the important thing; it's what the person does which is the important thing.

In discussion with the CSAO about schedules 1 and 2—which are at the end of the bill but which we are now discussing because they do relate, in some way, to section 1—these are the ones that seemed acceptable to the CSAO, as far as schedule 1 is concerned, and I'm sorry that the hon. members opposite obviously didn't have an opportunity to get copies of the proposed amendments earlier today.

**Mr. Cassidy:** Mr. Chairman, on a point of order, since the member for Windsor West and I are sitting in different seats and we can't communicate too easily here, perhaps the minister could ask his staff to send over another copy of the amendment.

**Hon. Mr. Auld:** I sent over copies. I gave to your House leader this afternoon, at about 3 or 4 o'clock, copies of all the proposed amendments. I have only the copies that I need to give to the Clerk of the House at the

moment, but I will read to the hon. member the proposed amendment to schedule 1.

**Mr. Cassidy:** On a point of order, again, Mr. Chairman.

**Mr. Chairman:** What is the point of order?

**Mr. Cassidy:** I would point out to the minister that it is pretty difficult for members of this caucus to consult with the CSAO and caucus about something when major amendments are handed over at 4 o'clock in the afternoon for debate three or four hours later. I know it's symptomatic of the way the government runs the House business, and we have become used to this kind of abuse by the government. All the same, it does make life rather difficult, and the minister's air of injured dignity is not really becoming.

**Mr. Chairman:** I say to the member that that is not a point of order. The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, I have to tell you that my dignity is not injured.

**Mr. Bounsall:** On a point of order, Mr. Chairman.

**Mr. Chairman:** A point of order, the member for Windsor West.

**Mr. Bounsall:** Mr. Chairman, around 3:45 or slightly earlier perhaps, maybe a few minutes earlier, I came into possession of a series of the amendments which the minister intends to place. I don't know whether there was any more than one copy or what happened to them, but as far as I know I have the only copy of those amendments extant in our caucus. What the member for Ottawa Centre was saying, in essence, if I could paraphrase him in slightly different terms, is, could he have a copy of those amendments so that as the bill is debated we on this side of the House can do that in a reasonable fashion? And could I suggest, Mr. Chairman—

**Mr. Chairman:** I would say to the member for Windsor West, I don't regard this as a point of order. The minister has indicated that at 3 o'clock he gave your caucus and the Liberal caucus copies of the amendments. I would presume that it is up to your people to make the necessary copies for your members.

**Mr. B. Newman:** Mr. Chairman, if I may speak on this, I received the one copy as the minister did make mention. I made extra copies for my colleagues and they have them. We weren't held up on this.

**Mr. Chairman:** Right, thank you. The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, as far as schedule 1 is concerned, the amendment that I propose to move at the appropriate time is that, as far as section vii of schedule 1 is concerned, section vii be deleted and the following substituted therefor: "(vii) counsellors and librarians employed on a part-time basis." This is the only matter that the CSAO brought up in connection with schedule 1.

Schedule 2 is a little longer, and the motion that I propose to move at the appropriate time is that schedule 2 of the bill be deleted and the following substituted therefor:

#### SCHEDULE 2

The support staff bargaining unit includes the employees of all boards of governors of colleges of applied arts and technology employed in positions or classifications in the office, clerical technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff but does not include,

- (i) foremen,
- (ii) supervisors,
- (iii) persons above the rank of foreman or supervisor,
- (iv) persons employed in a confidential capacity in matters related to employee relations or the formulation of a budget of a college of applied arts and technology or of a constituent campus of a college of applied arts and technology including persons employed in clerical, stenographic or secretarial positions,
- (v) other persons employed in a managerial or confidential capacity,
- (vi) persons regularly employed for not more than 24 hours a week,
- (vii) students employed in a co-operative educational training programme undertaken with a school, college or university,
- (viii) a graduate of a college of applied arts and technology during the period of 12 months immediately following completion of a course of study or instruction at the college by the graduate if the employment of the graduate is associated with a certification, registration or other licensing requirement.

- (ix) a person engaged for a project of a non-recurring kind,
- (x) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity, or
- (xi) a person engaged and employed outside Ontario.

I might just say—and the member for Ottawa Centre has left to do some photocopying or something—

**Mr. Bounsall:** He is out photostating.

**Hon. Mr. Auld:** He mentioned that kind of an exclusion a few moments ago. Of course, those people have their own professional associations and are governed by their own professional rules; obviously it would be unwise to subject them to two sets of rules which might be in conflict one with the other. That is why they are excluded. I see the hon. member nods his head and understands that.

**Mr. Bounsall:** I agree with that last point, Mr. Chairman, but there is a more basic problem throughout all of this. Let me comment on what the minister has just indicated about schedule 2.

In essence, what you have done in schedule 2, in your amendment, is you have taken those formerly in the schedule under employee classifications 1 to 27 and couched those classifications in general terms. This gives you a greater degree of flexibility to account for other titles that might occur from time to time; you don't have "1. Clerk, General. 2. Typist-Stenographer" and so on down through to 27, which you formerly had in the bill.

That certainly is a step forward, because what you have done is you've generalized it so if other titles come up, those titles are going to fall into one or more of those generalized terms which you've used. Therefore, that puts flexibility into the definition of employee.

However, when you get to the part which says, "but does not include," then you enumerate foremen, supervisors, and so on. As the minister read, I carefully checked what he was reading vis-à-vis the bill. The only change that I can see from the original bill, as proposed by the minister's amendment, following the words "but does not include," where you enumerate what is not included in the bargaining unit, involves three words under point (iv). Originally, it



said, "Persons employed in a confidential capacity in matters related to employee relations or the formulation or application of a budget. "You've removed "or application of," so it simply reads, "the formulation of budget." The rest has remained unchanged.

Hon. Mr. Auld: That is because that is the way it is now in the agreement, and the two words "or application" were not in the agreement. Those were removed two or three years ago, I think.

Mr. Bounsall: I thank you for that clarification, Mr. Minister. That's fair enough. That brings me therefore to my main point on all of this. The amendment which you are moving to section 82 simply refers to employees and does not refer to the eligibility for the bargaining unit. It's in the schedules that you get into who is eligible for the bargaining unit and who is not.

While the amendment you proposed to section 82 is a clarification of who is an employee, it does not help one iota in the classification of which of those employees are eligible for the bargaining unit.

You've said in effect that your amendments to schedule 2, which I assume we'll consider at the very end of the bill, have taken out words so that it will correspond exactly to the agreement that is now in effect. Therefore, the amendment suggested in a written submission by the Civil Service Association, or the Ontario Public Service Employees Union, seems to me to be very reasonable. That amendment makes reference to the existing collective agreements, which would have this wording and this definition, as the minister has pointed out, and it mentions that it would be subject to future amendment by mutual agreement of the parties, which allows the two parties to agree on who could be classified as employees and who are in bargaining unit as well as by the Labour Relations Board under section 82. The amendment under section 82, as you have phrased it, would gibe well with the way they would see 1(f) read.

Therefore, Mr. Chairman, I think it's very important that the wording that the Ontario Public Service Employees Union has put forward for section 1(f) have that wording included.

Mr. Bounsall moves that section 1(f) be amended by deleting "set out in schedules 1 and 2" in the last line and substituting therefor "as defined in the existing collective agreements, subject to future amendment by mutual agreement of the parties or by the

Ontario Labour Relations Board under section 82."

Mr. Cassidy: I have some comments on this, Mr. Chairman, on the amendment, that has been proposed by the member for Windsor West.

Mr. Chairman: The member for Ottawa Centre.

Mr. Cassidy: I don't know why the government chose to bring in such a restrictive bill in this particular instance when it chose to take quite a generous kind of a route in the bill to which this is meant to be companion, the bill giving free collective bargaining rights under certain conditions to teachers. This is why I think it is important that the amendment proposed by the member for Windsor West be passed.

I have just given a number of kinds of examples of how restrictively the schedules could be applied. Whether you talk about the amended schedules or the original schedules is not particularly relevant. What I would point out is that the schedules, even as amended, and which are referred to in subsection (f) of section 1 are far more restrictive than exist either in the teacher bargaining legislation of Bill 100 or in the Ontario Labour Relations Act.

I don't think any of us in this party are particularly opposed to the view that people who are in a managerial capacity should not form part of the bargaining unit. I think that the matters of definition are somewhat difficult in the community college situation for reasons that have been given. Obviously, the best place for this to be hammered out is at the bargaining table, where people who are familiar with the structure of the way in which a community college works, can work it out. The other place where it could be handled by a body with a good deal of knowledge in this field is at the Labour Relations Board itself.

I think the member for Windsor West will agree with me when I say I would be happier on the managerial clause if it were to use the language of the Labour Relations Act itself, which says that no person should be deemed to be an employee who in the opinion of the Labour Relations Board exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations. That is a much narrower definition than the definition that has been put forward in the Act and one on which one has to act in the bill that we have before us. One has to ask, why did the gov-



ernment choose to go back on the sections in the Labour Relations Act which date back to 1960? Why have we gone back to the 1950s with this managerial exclusions clause which has been put in here in the particular case of community college employees? Why are we laying ourselves open to the situation where in three months or six months from now, if the section were to be passed without amendment, we will have another government, I profoundly hope, in the House making the amendments in order to bring this legislation in line with legislation generally?

The other point I would make is that if this bill were to be paralleled by Bill 100, then it is quite clear that principals and vice-principals would be treated as people who are chairmen, directors, department heads or in a supervisory capacity or involved in making budgets or involved in supervising other workers. They get hit in about six different ways and they would therefore be deemed to be not eligible to form part of the bargaining unit as far as the schools are concerned. The minister knows very well that principals in a school system are considered to be principal teachers and are considered to be part of a collegium or colleagues with the teachers. They teach with them and they also help to supervise and lead, guide and inspire and so on. They are also teachers; they are simply principal teachers; and that concept which is strongly held by the teacher trade unions has been accepted by the government.

Surely it's exactly the same thing, if not more so, when you get to department heads and chairmen and people like that in the community college situation? If the government wants to say it's essential that department heads and chairmen stick around in the event of a strike—as it has said as its sop in Bill 100 to the trustees—then put a section like that in the bill. We will disagree with it but at least you are being consistent with Bill 100.

This one doesn't make any sense at all and it's liable to leave a very large group—let's say 20 to 25 per cent—of the academic and support employees of a community college in a situation where they don't have representation and where they will be threatened with being overtaken in terms of wages and conditions of work and that kind of things by those affiliates or colleagues who happen to be protected by being members of the union.

That is an absurd kind of situation. It seems to me that in any labour legislation the net

should be as broad as possible; as many people as possible should have the right to belong to the labour organization and the number of managers should deliberately be kept as few as possible. That's what is done in the Labour Relations Act and that is what is done in what is proposed here.

I hope the minister would very seriously consider the amendment put forward by the member for Windsor West.

**Mr. Chairman:** Is there any further discussion on this point?

**Mr. B. Newman:** Yes, Mr. Chairman. I don't intend to be lengthy but I did bring this amendment to the attention of the minister in the early discussions of the bill and I hope the minister would reconsider the amendment presented by the CSAO and accept it.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, I think I restated my own position that in my view the question of who is or is not in the bargaining unit can be settled, in the case of a dispute, by the Labour Relations Board under section 82. I don't think there is a valid comparison between the principals and vice-principals of public and high schools and the presidents, department heads and staff of community colleges, in view of their duties and administrative activities.

If there is a dispute there is now a provision, which would appear to be satisfactory, that the Labour Relations Board can be brought in. Either side can argue whether somebody is management or faculty and I think that is the proper way to do it. I am sure there will be discussions about that. I think there is now a mechanism to deal with the very problems the hon. members opposite have dealt with. This is where we are a little different from Bill 100—I think properly—because I think the college system is a different kind of a system from the universities, in some respects, and certainly the public and high school systems.

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** Mr. Chairman, I'd like the minister to consider what he said with respect to the colleges in relation to the elementary and secondary system and the university system, and how the equivalent persons in those three systems relate to whether or not they are included in the bargaining unit.

Let's start at the elementary and secondary system. In the elementary and secondary system, as you know by Bill 100, the principals and vice-principals, who are equivalents to the chairmen and directors of schools in this bill, are clearly part of the bargaining unit. They have not been allowed to strike but they are clearly part of the bargaining unit.

At the other extreme, the other end of the scale is the university system in which the chairmen and even the vice-deans are elected to their posts and are clearly part of the bargaining unit. If they are certified by the Ontario Labour Relations Board—as one unit is, I believe—they are clearly full members of that bargaining unit and allowed to strike.

You have in an intermediate position the community college academic staff and teachers. You say to their chairmen, not only are they not going to be allowed to strike, as you haven't let their counterparts in the elementary and secondary school systems be allowed to strike, but you are not going to let them belong to the bargaining unit. You are doubly repressive on the chairmen and the directors, in the community college system.

In universities, they are full members of the bargaining unit, and should a strike ever occur under the Labour Relations Act, they are allowed to strike. The elementary and secondary school teachers are members of the bargaining unit and they are simply not allowed to strike. But here they are not even allowed to be members of the bargaining unit.

We don't agree in Bill 100 that the principals and vice-principals shouldn't be allowed to strike; we feel they should be. But with the college teachers, you have taken a group midway between in many of their functions. They are considered to be in post-secondary education as the university teachers are, as compared to the secondary and elementary teachers. While both other groups are allowed to be full members of the bargaining unit, you say to the group of chairmen in the community colleges: "Not only are we not going to let you be allowed to strike, we are not going to let you be allowed in the bargaining unit."

That just doesn't make sense at all. On the one hand, on either side of the community college teachers you are allowing them both to belong to the bargaining unit, while university teachers are allowed to strike. The only difference with elementary and secondary teachers in the principal and vice-principal positions is that they can't strike.

I hope in Bill 100 in the committee room that that clause is removed. I gather the position of the principals and vice-principals is being debated right now at this very moment and submissions are being heard right now from principals and vice-principals around this province as to why they should not only be members of the bargaining unit, but also be allowed to strike.

To take the community college academic staff and say of their chairmen that not only can they not be allowed to strike under this very careful system in this bill, but they are not eligible for the bargaining unit, just does not make sense when they look at what happens to their equivalent counterparts in the other two parts of our educational system. It just doesn't make sense and there is no rationale, I suggest, that you can put forward that would cause them to be put in that situation. It doesn't happen to those equivalent positions in the other two ends of our educational system in this province. You really can't find a rationale for it.

Secondly, speaking to my amendment, there is nowhere in the bill as it exists or in section 82 that you have amended and put forward that allows for a decision on whether persons who are employees, and on whom there is dispute as to whether or not they are to be members of the bargaining unit, where you specifically allow that mutual agreement of both parties would allow a particular name or classification of those employees to be eligible for membership in the bargaining unit.

The amendment that I put forward, which was suggested by the CSAO or the Ontario Public Service Employees' Union, indicates quite clearly that both parties by mutual agreement can amend that. You may say it is implied, but I am not so sure that it is implied that both parties could amend that by mutual agreement.

By putting it squarely in the amendment to section 1(f), you allow three things to happen. All those definitions that are in collective agreements now between the community college teachers and the Council of Regents, are as is. You have made various amendments to some of the sections to ensure that the wording is the same as those existing collective agreements. We can get rid of schedule 1 and 2 completely by simply using the phrase "existing collective agreements." You allow agreement to be reached between the two parties as to which employees would be, by agreement, in the bargaining unit, by the second phrase, "subject to future amendment by mutual agreement of the parties";



or in section 1(f) you refer to the Ontario Labour Relations Board under section 82 which you have covered, and covered more extensively in your amendment.

This, as I see it, is an amendment which covers all ends of the scale. It allows the agreements to be reached, it covers the point of what's already in collective agreements and it makes reference to the Ontario Labour Relations Board.

I see this as a very well-thought-out amendment by the Civil Service Association. It covers everything the minister wishes to cover, and in addition allows mutual agreement between the parties. Surely, in collective agreements and in bargaining between employees and employers around this province, what you are encouraging—and the rest of the bill at various points speaks to it—is mutual agreements between the parties.

Really, the only thing you have left out in section 1(f), which this amendment would clearly allow, is for that mutual agreement to be reached without having the inflexible positions which will arise from time to time because of schedules 1 and 2. You get around that by having the amendment say, "those defined in the existing collective agreements which by mutual agreement, can be amended."

I would hope the minister would seriously consider that amendment because I think it's a very good one, very well worded. I also suggest to the minister that he has really got to think rather clearly on the positions of the chairmen of community college teachers as opposed to their counterparts in the other two systems, where you have clearly put them at a much more disadvantaged position.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** I have a couple of questions, but perhaps the minister could try to respond to the point made by the member for Windsor West. What's different about a department head in a community college that means that he or she cannot be even a member of the bargaining unit, whereas a principal or a consultant in a school system—a consultant who, we will say, is head of music for all of Ottawa, or the head of geography, or the head of English or something like that and is responsible for English teaching right through the city or in a whole group of schools—a consultant or a principal, who may be a principal with 2,000 or 3,000 kids in a big urban high school on the one hand, or a department head, chairman, something like that in a university faculty; not only can be a member of the bargaining unit, but in the

case of the university quite probably also has the right to strike? What is different about the community college department head as opposed to the secondary school principal on the one hand or the university department head?

**Hon. Mr. Auld:** Mr. Chairman, very briefly I suppose it is the historical difference of all the people in the public and secondary school system being members of the same association no matter what their function in the system, and the present agreement in the college system between the Council of Regents and the CSAO as to those who are in the bargaining and those who are not. I won't comment on the university system because that varies from university to university.

**Mr. Bounsall:** Mr. Chairman, on that, can the minister point to one university in Ontario which has decided that it does not want to include department heads in its faculty association, or in the faculty association as it is reviving the association so that it will make a successful application to the Ontario Labour Relations Board for certification? Can the minister name one, because as he knows, my experience as well as that of the member for Ottawa Centre, is from the university field and there is widespread agreement right across Ontario that chairmen, most of them elected by the faculty in that department, are in fact the servants of that department; they are there at the behest and at the whim, almost, if you like, of the members of that department; they are clearly one with the rest of the faculty in that department.

That's the view that is held all across Ontario toward chairmen or heads at the university level. In fact, it has got to the point where directors of schools and vice-deans, and in some cases even deans, but certainly those other two categories, are looked upon in the very same manner.

**Hon. Mr. Auld:** But they say it does vary from university to university.

**Mr. Bounsall:** Not the attitude toward chairmen or department heads. There is absolutely no disagreement on that in the universities of the Province of Ontario. I challenge you to name one university that does not have chairmen as members of its faculty association, particularly those faculty associations that are reorganizing themselves to make an application for certification before the Ontario Labour Relations Board.

**Hon. Mr. Auld:** Mr. Chairman, of course, the universities all operate under their own Acts—other than, I guess, Carleton which



has been certified for a group with a faculty—and they will be operating, I assume, under the Labour Relations Act. We have been operating under the Crown Employees Collective Bargaining Act. We're now proposing to amend that and to change the rules.

**Mr. Bounsall:** Mr. Chairman, the minister misses the point completely. We'll keep at this point until we comes to grips with this point, because I'm sure he's got the capacity to come to grips with it. He is the Minister of Colleges and Universities. What members, in terms of what you would call administrative staff at Carleton University, are included in the bargaining unit as certified by the Ontario Labour Relations Board? Can he answer that question?

**Hon. Mr. Auld:** No, I can't Mr. Chairman.

**Mr. Bounsall:** You should find out. That's rather a disgrace. That maybe accounts for why we have a bill here that simply single-mindedly and like a sheep follows the legislation which was introduced for teachers and school boards in this province. The minister is capable, I'm sure, of finding out those facts, coming to grips with them and putting some thought into this bill—and surely his advisers are.

One would have thought that in the rarefied academic and intellectual atmosphere of the colleges and universities systems, they might have been producing a bill which led the way in this province in terms of collective bargaining, rather than following along, like a sheep, a bill that was introduced to deal with elementary and secondary teachers in this province.

The minister just hasn't come to grips with this bill, Mr. Chairman. Because he hasn't—and he's admitted he hasn't—the chairmen and heads at Carleton University are clearly within the bargaining unit as certified by the Ontario Labour Relations Board. For those other three or four universities in Ontario which are amending their faculty association constitutions so that their application before the Ontario Labour Relations Board is certified beyond doubt, they are also included—chairmen and department heads.

The equivalent to this bill is that chairmen and heads of departments and directors of schools should, therefore, be eligible for membership in the bargaining unit as defined by this bill.

**Mr. Chairman:** I think there has been a fair discussion on this point.

**Mr. Cassidy:** I have a couple of points to make, Mr. Chairman. I want to say to the

minister that I know why he has brought the bill in in this particular way. It just speaks to the failure of members of this cabinet to do their jobs adequately. This is not a bill designed to help out the college staffs across the province. This is a bill which is designed to do as little as possible and give as little as possible, because you don't want to open the door to giving free collective bargaining rights to your civil servants under CECBA. That is the reason why you won't give to department heads and chairmen, and other people like that, the same rights you give to principals and that you give to university chairmen.

Is there a quorum in the House, Mr. Chairman?

**Mr. Chairman:** I will ask the Clerk to check.

Mr. Chairman ordered that the bells be rung for four minutes.

**Mr. Chairman:** We now have a quorum; we can proceed.

**Mr. J. R. Breithaupt (Kitchener):** Two NDP-ers in the House. Surely there are more than two.

**Mr. Cassidy:** They are legion, as a matter of fact. We have six nomination meetings going this evening. We have educational seminars across the country.

**Mr. Breithaupt:** Are there really more than two?

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Cassidy:** I can tell you, Mr. Chairman, that Donald MacDonald is converting the north mile by mile as he comes back from the Winnipeg convention.

**Mr. Chairman:** The member for Ottawa Centre will please return to the bill.

**Mr. Cassidy:** Thank you, Mr. Chairman. Now that this has been—

**Mr. Chairman:** Will you please return to the bill?

**Mr. Cassidy:** On section 1(f), the amendment put forward by the member for Windsor West. For the benefit of those Conservatives, Mr. Chairman—

**Hon. E. A. Winkler (Chairman of Management Board of Cabinet):** On a point of order, Mr. Chairman.

**Mr. Chairman:** Point of order.

Hon. Mr. Winkler: May I ask who called the quorum? I was out of the House.

Mr. Chairman: The member for Ottawa Centre.

Hon. Mr. Winkler: Thank you.

An hon. member: The one from Toronto Island.

Mr. Cassidy: We had two members when I called the quorum and we have two members now. We have two members on the resources committee, two members in the other—

Interjections by hon. members.

An hon. member: Better ring the bell again.

Mr. Chairman: Will the member for Ottawa Centre please return to section 1(f)?

Mr. J. H. Jessiman (Fort William): He has been vacationing in Winnipeg for the last three days.

Mr. Cassidy: Mr. Chairman, I am responding to the point of order that is made by the House leader. And I am glad the House leader came into the House, Mr. Chairman.

Hon. Mr. Winkler: Good reason — you haven't been here for two weeks, so don't kid us.

Mr. Cassidy: Well, I am catching up.

Hon. Mr. Winkler: You haven't been here.

Mr. Cassidy: I have been working for the people of my riding in this province. I have been ensuring that we get a better government than that bunch of Liberals they've got up in Ottawa.

Hon. Mr. Winkler: You haven't been working for the people of the province.

Mr. Cassidy: What?

Hon. Mr. Winkler: You haven't been working for the people of this province.

Mr. I. Deans (Wentworth): I beg your pardon, the House leader wasn't here.

Mr. J. M. Turner (Peterborough): Such righteous indignation.

Mr. Chairman: Order, please.

Mr. Deans: The House leader wasn't here.

Mr. Chairman: The member for Ottawa Centre—

Mr. Cassidy: I want to take the government House leader on on this one, Mr. Chairman. The reason that this is such a bad bill is because of his views about depriving civil servants of bargaining rights.

Mr. Chairman: Will you sit down, please?

Mr. Jessiman: How are your tenants on Metcalfe St.? Are they paying your rent on time?

Mr. Chairman: I am going to ask the member to now immediately return to section 1(f), please, and confine his remarks to the contents of that particular section.

Mr. Jessiman: After three weeks of vacation.

Mr. Chairman: Order, please.

Mr. Cassidy: The amendment that has been put forward by the member for Windsor West—and I will fill in the House leader and others who were not present at the time that this was being debated—

Hon. Mr. Winkler: That's right. Be sure you cover it all.

Mr. L. C. Henderson (Lambton): Word for word.

Mr. Cassidy: —removes as retrograde a set of managerial exclusions from the bargaining unit as exist anywhere in legislation, I dare say, in all of Canada—not just in the Province of Ontario.

Interjection by an hon. member.

Mr. Cassidy: And it would conform with suggestions, which are very reasonable suggestions, that have been made by the Civil Service Association of Ontario—

Mr. Deans: Which the minister would never understand.

Mr. Cassidy: —which would simply bring the managerial exclusions into line with the managerial exclusions which are used for any other group of employees in the province.

Mr. Deans: Which he wouldn't understand.

Mr. Cassidy: Mr. Chairman, in our view we just simply can't understand why the government is resisting this. When they give bargaining rights and the right to belong to a union to principals in the schools in the companion legislation to this bill, and when they give the bargaining rights to people

who are department heads in universities, why have these exclusions? The reason is because the government wants to deprive civil servants of as many bargaining rights as they can and because they want to continue repressive legislation whenever it comes to civil servants.

The man who is responsible for that, the man who argues for it, I would suggest, is the Chairman of the Management Board. The man who refuses to speak up for these civil servants, who are college and community teachers, is the Minister of Colleges and Universities. I deplore the fact that he has put forward a whole pack of retrograde legislation in relation to the managerial exclusions which are covered in this particular section.

**Hon. Mr. Winkler:** Mr. Chairman, I want to go on record right away by saying that hon. member is totally wrong.

**Mr. Chairman:** We have the amendment now moved by Mr. Bounsall. I am going to put the amendment now. Those in favour of Mr. Bounsall's amendment will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it.

Interjections by hon. members.

**Mr. Chairman:** I declare the amendment lost. Shall subsection (f) stand as part of the bill? Carried. Anything before section 1(m)?

**Mr. Bounsall:** Yes, section 1(l), Mr. Chairman.

**Mr. R. G. Eaton (Middlesex South):** The Liberals are defying their House leader.

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** Thank you, Mr. Chairman.

**Mr. Eaton:** Don't you follow your leader over there?

**Mr. Chairman:** Order, please.

**Mr. Bounsall:** Mr. Chairman, I really don't see why in this particular bill we need such a detailed explanation here of persons employed in a managerial or confidential capacity.

**Mr. Cassidy:** Do you want to go on record about your land dealings in Port Arthur?

Interjections by hon. members.

**Mr. Chairman:** Order. The member for Windsor West has the floor. Give him the courtesy of allowing him to speak.

**Mr. Jessiman:** You won't be here long enough to live in it.

**Mr. Bounsall:** Mr. Chairman, I don't think section 1(l), with six parts, is at all required to define a person employed in a managerial or confidential capacity. Reference is made to managerial or confidential capacity in a section of the Ontario Labour Relations Act, an Act which in that respect was not changed in the amendments to that Act which were brought forward here last night. In fact, that section is completely sufficient to cover the point which the minister would like to make in this section.

The Ontario Labour Relations Act, in section 3(b), defines a person employed in a managerial or confidential capacity as one who exercises managerial functions or simply one who is employed in a confidential capacity in matters relating to labour relations. That should be the sole definition for managerial and confidential capacity. We have no need to make this great expansion as to who is confidential and who is managerial as defined in this section of the bill.

Other labour relations Acts in this country allow for the inclusion in a bargaining unit, although it may be a separate bargaining unit, of those managerial persons who perform simply supervisory functions. Therefore, those other labour relations Acts in this country, notably in British Columbia, which make that distinction, are in direct opposition to subsection 1(l)(ii), as defined here, where you go further and say he "spends a significant portion of his time in the supervision of employees." This is specifically omitted, albeit by a different type of wording, in other labour relations Acts in this country.

To take a bill of this kind, and to further outline what is managerial and confidential to the extent that subsection 1(l)(ii) is worded here, is simply not keeping in line with forward-looking legislation.

It's a shame; many parts of this Act are steps forward in the same sense that many parts of Bill 100 are reasonable steps forward. Then you run across sections like this, which take giant steps backwards and which are not at all keeping pace—in fact, they do exactly opposite—with other labour relations Acts in this country, which have looked at labour relations and have said: "Someone who is in a managerial position but performs only supervisory tasks is eligible for a bar-



gaining unit." In this bill, you take the exact opposite position and say they are confidential and managerial if they spend a significant portion of their time supervising employees.

It is a real anomaly in an Act, which has some steps forward, to see such a gigantic step backwards, to see such a turning away from the positive measures which have come forward in labour relations Acts in this country.

I am not going to make a specific amendment, Mr. Chairman, to delete subsection (l) (ii) or to substitute that wording in the Labour Relations Act, which should be sufficient to cover all of subsection (l) of this Act, but simply to point out that section (l) of this Act is a step backward in its entirety, particularly in point 2 of that section. If one was being forward-looking in this section of the Act, one would have adopted the British Columbia approach to labour legislation and allow a managerial person whose function is supervisory only to be fully part of the bargaining unit.

**Mr. Chairman:** The member for Windor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, I don't intend to be lengthy because the minister has already received a copy of the comments and proposals on this bill from the Civil Service Association of Ontario. They made the recommendation which the hon. member who preceded me made and I would sincerely hope that the minister would reconsider any decision and accept what the CSAO had suggested.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** I was hoping the minister would make a comment, Mr. Chairman.

**Hon. Mr. Auld:** After you.

**Mr. Cassidy:** Thank you. We intend to vote against subsection (l), Mr. Chairman. The member for Windor West has indicated that the alternative would be—

Interjections by hon. members.

**Mr. Cassidy:** —simply to draft an amendment which makes section 1 conform with 1(3)(b) of the Labour Relations Act and leave it up to the Labour Relations Board to define the question of a person who is in a managerial position.

Interjections by hon. members.

**Mr. Chairman:** Order, please. The member for Ottawa Centre.

**Mr. Cassidy:** Thank you, Mr. Chairman. The alternative to voting against it, which is what we'll do, would be to bring in an amendment which would be similar to the Labour Relations Act.

Interjections by hon. members.

**Mr. Chairman:** Order, please. I wonder if we could let the member for Ottawa Centre carry on.

**Mr. Cassidy:** Thank you, Mr. Chairman. I am trying not to raise my voice. I don't wish to inflame the House particularly, I just think it is a serious point.

The Labour Relations Board's hands are going to be tied when it comes to interpreting a managerial exclusions clause because of the very detailed kinds of things put down here. What they will probably wind up doing, if any matters come before them, is that on a practical basis they are going to have to say that black is white and people who have some managerial responsibilities, particularly in relation to sub 1 and sub 2 of this section (l), don't have those managerial supervisory duties. Otherwise, as I was suggesting earlier, you get a situation where half or two-thirds or maybe even all of the members or supposed members of an academic bargaining unit would be excluded.

What's going to happen, Mr. Chairman, if you get a college administration which, for various reasons, does not wish to be co-operative and decides to oppose itself to an application for certification before the Labour Relations Board and to base its opposition on the fact that too many of the people signed up by the CSAO—or whatever union is affected—are in excluded categories and therefore didn't have the right to vote? You could have a college administration exploiting the loopholes in this Act to tie up the CSAO for months if not for years, as has been done in the private sector.

I think, to give them credit, that in the applications before the OLRB, both by Carleton and, I believe, by McMaster—or was it Western?

**Mr. Bounsall:** Only Carleton has applied so far.

**Mr. Cassidy:** So far, it seems the university administrations are being co-operative. In the case of Carleton, the matter went before the OLRB and the question about whether certain people should be excluded from the

bargaining unit was raised before the OLRB. The economists, in particular, didn't feel they should be down there with the hoi polloi and they wanted to be on the management side at Carleton.

The university's intention was to test the law and to make sure that the group as a whole was admissible. It was not to block it in red tape and legalese or to do the kind of job that private enterprise has done so often in exploiting the Labour Relations Act to prevent workers from getting certified. The university's intention was also to get a clear definition of which academic workers should be included and which should be excluded and that was all.

That's the way it should work here, too, but it will not work that way—or it may not work that way—if you get college administrations deciding it won't work. One of the problems in the colleges is that their boards are not as strong and as independent of the government as the university boards. They haven't got the lengthy traditions, they haven't got the same place in the community in some cases, because it takes time to build up that particular status and stature and sense of independence in the community, and they are much more subject to hints coming down the pipeline from Mr. Sisco or from the Council of Regents about what they had to do—and for that matter from the government itself.

Anybody examining the legislation or hearing what the Chairman of Management Board or what the Minister of Colleges and Universities has got to say, would be safe to assume that the government wishes it didn't have to bring in legislation even as stingy as this. Is it possible that some of the boards of community colleges will decide to take their cue from that attitude of the government and, regardless of the law that is put down, will seek to exploit the loopholes? I suggest it is possible, and I suggest this Legislature should not open up that possibility by giving so many managerial exclusions and so many means by which the CSAO or some other trade union can be harassed when it's trying to set up an academic bargaining unit under this particular Act.

We would, therefore, oppose the section. If the minister wished to present an amendment that changed it along the lines of the Labour Relations Act, we would support that. We would oppose the section as it stands right now and we will make some consequential changes when we get to the schedules.

**Mr. Chairman:** Any further discussion on this point?

**Hon. Mr. Auld:** Mr. Chairman, all I can say is that it is my understanding that there is no definition similar to this in the Labour Relations Act—that is, having to do with managerial or confidential capacities—but I understand that the practice of the Labour Relations Board is to exclude this kind of work or this kind of activity. I guess the real change is that having recognized that the people, faculty and support staff of the community colleges are not really in the same position as those others who are covered by the Crown Employees Collective Bargaining Act, we have removed that more restrictive section or sections in the CECBA which used to apply and are now applying something which is—

**Mr. Cassidy:** It is out of the frying pan into the fire.

**Hon. Mr. Auld:** —in essence, the practice of the Labour Relations Board.

**Mr. Cassidy:** Is it the minister's intention to conform with the practice of the Labour Relations Board?

**Mr. Chairman:** We have section 1—

**Mr. Cassidy:** Mr. Chairman, perhaps I could repeat my question. I understand from what the minister says that his intention is to conform with the present practice of the Labour Relations Board, and I would ask him whether that is correct?

**Hon. Mr. Auld:** What I am saying is that this definition is my understanding of what the general practice of the Labour Relations Board is under the Labour Relations Act.

**Mr. Cassidy:** In that case, since the union has indicated that it too would be happy with giving the question of determining managerial responsibilities to the Labour Relations Board, would the minister therefore not be simply willing to leave it to the Labour Relations Board to determine, in what is admittedly an area of some difficulties because of the rather special nature of the work and of management responsibilities, which are more shared within a community college than they are in a traditional industrial plant?

The minister must be aware that, as the member for Windsor West said, the question of determining managerial functions or employment in a confidential capacity in matters relating to labour relations is left to the

opinion of the Labour Relations Board in the Labour Relations Act. That's a fairly sturdy, well-used clause that appears to work fine in the private sector, and apparently from what the minister says the board seeks to apply the kind of principles which are put down here in determining who is a manager and who isn't. If they can do it quite happily in the private sector without having to be bound up in legalese, and without having to be bound up in a specific definition, and since we agree that it is a matter of judgement, which it is difficult to lay down in words, why not adopt the same words for this particular bill that have been used with reasonable success in the Labour Relations Act?

**Hon. Mr. Auld:** Mr. Chairman, very briefly, I suppose, because the Labour Relations Act has to apply to every kind of operation where people are employed in this province. This Act applies to community colleges, which are a specific kind of operation and are more easily defined in the kind of things that they do and the kind of things their staffs do.

**Mr. Cassidy:** With great respect, Mr. Chairman, I think that the definition that has been used here is singularly inappropriate for the kinds of work that is done by the academic people in a community college, and I would suspect also, because of the reference to support staff and so on, by the support staff as well.

I would point out that in the case of the Labour Relations Act the two exclusions are people who are managers, who exercise managerial functions, and people who are employed in a confidential capacity in matters relating to labour relations.

Under the Labour Relations Act, a secretary to a manager is clearly not excluded from being a member of the bargaining unit. That is correct.

Under the definition that is put in this bill, however, a person who is confidential to any person described in subclauses (i), (ii) or (iii) is excluded. That means that anybody who is a secretary to a manager, or a secretary or in some way support staff to a supervisor, is excluded, in addition to the exclusion of somebody who is employed in a confidential capacity in matters relating to employee relations. That doesn't make sense.

The minister has said that he agrees with the spirit of the way in which the Labour Relations Board interprets the Act right now, and yet—drawing on the expertise of the member for Windsor West—this is one example: Support staff to management are included in the bargaining unit under the

Labour Relations Act and will specifically be excluded from the bargaining unit under the bill we have before us. Could the minister explain that anomaly and is he willing to change it?

**Hon. Mr. Auld:** Mr. Chairman, I have no further comment really.

**Mr. Chairman:** We have section 1(l) before us. Shall this section stand as part of the bill?

Those in favour please say "aye."

Those opposed please say "nay."

In my opinion, the "ayes" have it, I declare section 1(l) carried.

Now we have subsection (m). We have an amendment by the minister and we have a subamendment by Mr. Bounsall. Shall I read both at this point?

**Mr. Cassidy:** Yes.

**Mr. Henderson:** I wish you fellows over there wouldn't tell us what to do.

**Mr. Chairman:** Mr. Auld has moved that section 1(m) of the bill be deleted and the following substituted therefor:

(m) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding or any concerted action or activity on the part of employees designed to curtail, restrict, limit or interfere with the operation or functioning of a college or college including, without limiting the foregoing, (i) withdrawal of services, (ii) slowdown in the performance of duties, (iii) the giving of notice to terminate employment.

Mr. Bounsall has moved a subamendment, that section 1(m)(iii) be deleted.

**Mr. B. Newman:** What is that again?

**Mr. Chairman:** That section 1(m)(iii)—"the giving of notice to terminate employment"—be deleted. Shall the amendment of Mr. Bounsall carry?

**Mr. B. Newman:** I wanted to comment on that, Mr. Chairman.

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman:** Before we actually get down to subclause (iii), I want to question the minister on subsection (m)(i), the withdrawal of services. In your definition of services, Mr. Minister, are you actually referring to what the original concept of the bill was—and that is, cocurricular and extracurricular



activities? Are you referring to voluntary activities that are performed by a community college teacher? I am afraid that you really are meaning that, even though you don't have that specifically made mention of in the bill, because you say in there:

A refusal to work or to continue to work by employees in combination or in concert in accordance with a common understanding or any concerted action or activity on the part of employees designed to curtail, restrict, limit or interfere with the operation or functioning of a college.

There could be a lot of volunteer activities done by the staff at the college, such as coaching various types of athletic teams, even though the individual may not be in the physical education department. Simply because he is doing that on a volunteer basis and wishes no longer to do the activity—and there may be others in there—if he wishes to withdraw his services, Mr. Chairman, I think that the individual who is voluntarily donating his services should be able to withdraw at any time. That should not be considered part of a strike.

**Hon. Mr. Auld:** Mr. Chairman, that's exactly why we took the original subsection (iii) out.

**Mr. Cassidy:** You won your point.

**Hon. Mr. Auld:** The only people, if I might expand a little, who would be expected to work as part of their regular duties would be the janitorial staff who were operating a gym if a team was playing. If the coaches were volunteers and withdrew their services, they would be quite free to do so.

**Mr. B. Newman:** Then for any activity that is done on a volunteer basis by any of the members of the staff of the community college, they could withdraw their services either individually or collectively and it would not be considered a strike. Is that right?

**Hon. Mr. Auld:** Right.

**Mr. B. Newman:** All right, thank you.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** Thank you, Mr. Chairman. I just want to ask the minister—I don't know if he has in fact refused to accept the amendment from the member for Windsor West or not—why, in addition to the one deletion he is proposing, he would also delete the reference to the giving of notice to terminate

employment. I may elaborate in a minute, but the member did already give one or two reasons why we don't consider that that reference is necessary and why we consider it a bit offensive to the community college teachers. Would the minister say whether he would be willing to accept the member for Windsor West's amendment?

**Hon. Mr. Auld:** Mr. Chairman, I am not prepared to accept the amendment by the member for Windsor West.

**Mr. Cassidy:** Would the minister explain why?

**Hon. Mr. Auld:** I think as my amendment stands it will cover the situation quite adequately. My recollection, in discussing this with the CSAO, is that this was the question they were concerned about.

**Mr. Cassidy:** Unless the comments that I am sure the minister has had from them mention this specifically, it's not as central a point as the questions about mandatory exclusions. But the fact is that mass resignations were a technique used by teachers in one particular year because they lacked the right to strike. Mass resignations have not been used as a technique by community college teachers nor is there any prospect that they will be used as a means of trying to get action from the government or from their employers.

**Hon. Mr. Auld:** Then neither of us should be worrying about it, should we?

**Mr. Cassidy:** If you are not worried about it, then would you accept our suggestion that, in addition to the exclusion of the former subclause (iii), that the subclause (iv) relating to the giving of notice to terminate employment also be removed? It's not in the Labour Relations Act. It's not in any other labour legislation, except the teacher legislation, and it's the kind of mindless transfer of something that may have some relevance in the government's mind to teachers. I am willing to grant you that if people in the government are concerned about mass resignations, because they have taken place in the past, then use your votes and keep it in the teacher bill. Why it should be transferred over to the community college bill is really beyond us. That's why we are suggesting that it should actually be taken out.

**Mr. Chairman:** We have the amendment by the minister. The member for Windsor West.

**Mr. Bounsall:** Thank you, Mr. Chairman. In moving my motion to take out the "giving of notice to terminate employment," I won't cover those reasons again except simply to say they weren't applicable to this group of people we are talking about and should not have been simple-mindedly carried forward. I moved that in the full knowledge that this whole section really should read: "Strike is withdrawal of services pure and simple." That's what a strike is. Any other definition of a strike is not really a strike.

Further clauses in this bill, when they refer to a strike, refer to complete withdrawal of pay, implying that that person has withdrawn his services and nothing short of withdrawing his services. A slowdown in the performance of duties is not a withdrawal of services. They're still on the job teaching their particular courses and it would not involve a withdrawal of pay, which is the only reference made in a later section of the bill to what happens to the employees at the time of strike.

Even section 2 which the minister has included in his amendment is not internally consistent with what is in the rest of the bill and what is envisaged in a later section of the bill. I believe it's that section in which penalties are referred to or it may be the strike and lockout section. To fancy this up in any way, to define a strike in any way other than purely and simply withdrawal of services, is making distinctions which really do not exist. It may well hamper labour relations.

I know the Minister of Education (Mr. Wells), on this section, found it difficult to understand that what he was looking at was the strike situation which teachers, in their board negotiations, would get into after they got beyond the legal time to strike. He was not looking at that period prior to a strike when some of those things mentioned could lead to the settlement of an agreement. I refer specifically to section 2 of this section (m), a slowdown in the performance of duties.

If there were even some way that a college teacher could slow down the performance of his duties—I find it hard to envisage, certainly on the academic side, how they could slow down the performance of their duties.

**Hon. Mr. Auld:** They could show up for a 2 o'clock class at 4:30.

**Mr. Bounsall:** That's not a slowdown, that's a non-appearance.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): That's a slowdown.

**Mr. Bounsall:** That's a non-appearance.

**Hon. Mr. Auld:** How about 3:15?

**Mr. Bounsall:** That's a complete abdication of their duties. For a one-hour lecture, showing up one and a half hours late is just a non-appearance. That's not a slowdown.

**Hon. Mr. Auld:** How about 10 minutes late?

**Mr. Bounsall:** Ten minutes late? You can get everything in in 40 minutes and it's usually done. You're going to say that constitutes a strike—if someone shows up 10 minutes late for a particular one-hour lecture? Come on, be reasonable.

**Hon. Mr. Auld:** I'm not saying—

**Mr. Bounsall:** Even if you could define—

**Hon. Mr. Auld:** I'm not saying, Mr. Chairman; I'm asking. I'm asking a teacher, an ex-teacher.

**Mr. Deans:** Don't ask him; answer him.

**Mr. Bounsall:** What you're saying here, as it applies to the slowdown in the performance of duties by academic staff of colleges can in no way reasonably occur. You either do your teaching duties or you don't do your teaching duties. You can't reasonably half do it.

**Hon. Mr. Auld:** Then we shouldn't worry about this, should we?

**Mr. Bounsall:** All right, get it out of the bill. Why crap up your bill with it?

**Hon. Mr. Auld:** Why not leave it in?

**Mr. Bounsall:** Why have it there? It just doesn't make sense.

**Hon. Mr. Auld:** Just in case there is a slowdown.

**Mr. Bounsall:** You can't really give an example of a reasonable slowdown.

**Hon. Mr. Grossman:** You know what a slowdown is.

**Mr. Chairman:** Ordes, please.

**Mr. Bounsall:** You can define a slowdown in industrial terms, when members of an assembly line decide they're not going to screw

every fifth nut on the bolts and so on, causing further work required to be done at the end. Or deliberately delaying a particular job so that in most terms it isn't finished. You can't find the equivalent in the community colleges' situation, either in the support staff or particularly the academic staff.

**Hon. Mr. Auld:** You're talking about the janitor with no head on his broom; that's what you're talking about.

**Mr. Deans:** What?

**Hon. Mr. Auld:** That's a slowdown.

**Mr. Chairman:** Do you have further points? The member for Windsor West?

**Mr. Bounsall:** That would be a matter for an individual firing, Mr. Chairman, I would say, and a matter for grievance by the bargaining agent if he leaned on his broom rather than swept with the broom.

**Hon. Mr. Auld:** I think we're getting close to Friday.

**Hon. Mr. Grossman:** Do you know how much it costs if a plumber is 10 minutes late?

**Mr. Chairman:** Any further discussion on this amendment?

**Mr. Bounsall:** Yes, I haven't quite finished yet, Mr. Chairman. What I'm saying is, even if there was a way to define a slowdown in performance of duties for support staff or academic staff at colleges, this should not be a definition of strike.

**Mr. Henderson:** That's repetition.

**Mr. Bounsall:** It's an action which could be taken after that strike date has passed and all the steps have been gone through—the fact finder and the Education Relations Commission has investigated and so on and so forth.

**Mr. Henderson:** That's the third time.

**Mr. Bounsall:** There's no repetition here. If anything, this should be a legitimate move, if you could find a move of this sort, which these persons could take before what you define as a strike takes place, to try to sharpen up the bargaining positions which are taking place and bring them to a conclusion. It should not be included here. If you could find an action of this sort which is applicable, this is the type of action which would sharpen up negotiations rather than the type of thing which is taken after the particular strike situation has been arrived at.

You have to look at it from the other angle. A slowdown in performance of work is a means which employees use to telegraph the fact that at some time in the future when it becomes legal they are prepared to strike. In that sense, it helps in settling the particular contract and speeding it to its conclusion before that strike deadline is reached. Even if you can find it in this field, it should not be one of the definitions of a strike which should be omitted. That's the type of action which could be taken by a group of employees to indicate the solidarity of taking the strike situation, being the withdrawal of services at some future date as a means by which one could speed the conclusions of the negotiations of the contract. One should really look at the Act and this clause in that manner.

**Mr. Chairman:** We have the amendment of Mr. Auld and we have a subamendment moved by Mr. Bounsall. Is it necessary that I read either one?

**Mr. Breithaupt:** We'll take the amendment as having been read.

**Mr. Bounsall:** And pass them both.

**Mr. Chairman:** Those in favour of Mr. Bounsall's motion will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it.

I declare the amendment to the amendment lost.

Shall Hon. Mr. Auld's amendment carry?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the "ayes" have it.

I declare Hon. Mr. Auld's amendment carried.

**Hon. Mr. Auld:** Mr. Chairman, I think it should be noted that Mr. Bounsall's amendment got two sets of votes.

Section 1, as amended, agreed to.

Sections 2 and 3 agreed to.

On section 4:

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, in the interest of expediting things, I will move the amendment to section 4.

Mr. B. Newman moves that section 4 be deleted and the following be substituted there—



for so that the clause will read: "Negotiations shall be carried out in respect of all terms and conditions of employment put forth by either party."

**Hon. Mr. Grossman:** When the NDP attended the convention in Winnipeg, why did they all dress like lawyers? Here, they all look as if they just came out of a steam bath.

**Mr. Chairman:** Order, please. Is there any discussion on this amendment?

The member for Windsor-Walkerville.

**Mr. B. Newman:** The purpose of my amendment is to delete "except for superannuation", so that terms and conditions of employment would include superannuation. It is nice when one looks in at the auto workers, where every time contracts are negotiated then the pension benefits are negotiated for retirees so that the retiree always keeps up with the cost of living.

In this instance, there could be a similar type of negotiation on the part of the community college teachers as far as their superannuation is concerned. It should also be a negotiable item.

**Mr. Cassidy:** I have a question of the minister on this one.

**Mr. Chairman:** The member for Ottawa Centre. Are you speaking to the amendment or to the section?

**Mr. Deans:** It's too late; move the adjournment of the House.

**Mr. Cassidy:** On the amendment, Mr. Chairman: Could the minister explain why superannuation is excluded from bargaining? Does this have something to do with the efforts to protect the government against the dreadful day when the Civil Service Association will negotiate about pensions and about superannuation on behalf of its members who are direct employees of the government of Ontario? Surely that's the only reason this clause has been put in. Whatever you want to do with the government employees is probably pretty bad, but you shouldn't extend it to cover this community college service.

**Hon. Mr. Winkler:** He told me wrong.

**Mr. Deans:** What do you mean, he has told you wrong?

**Mr. Cassidy:** You get up and defend it then or else agree with the amendment.

**Mr. Chairman:** Order, please.

**Hon. Mr. Winkler:** Mr. Chairman, if he will examine the words of his own leader—

**Mr. Deans:** No, not at all.

**Mr. Chairman:** Order, please.

**Hon. Mr. Winkler:** I'm not going to listen to the member.

**Mr. Deans:** Why?

**Hon. Mr. Winkler:** Because he doesn't speak for his party.

**Mr. Deans:** Why?

**Hon. Mr. Winkler:** Let him examine the words of his leader.

**Mr. Deans:** I do.

**Hon. Mr. Winkler:** If he'll examine the words of his leader, he and I—as I have said many times before—are not too far apart.

**Mr. Deans:** Sufficiently far apart that the minister is wrong.

**Hon. Mr. Winkler:** It's at the end of the road where we disagree. I'll let the minister answer.

**Mr. Breithaupt:** Mr. Chairman, I presume at this point that it might be worthwhile for the committee to rise and report, with respect. There are a number of other members who might choose to speak with respect to this bill and as a result I would think at this point it might be worthwhile for the committee to rise and report.

**Mr. Chairman:** The member for Windsor West.

**Hon. Mr. Winkler:** Mr. Chairman, it is with regret, because I would like to finish that argument, but I'll save it for another day. I will not listen to that member.

**Mr. Deans:** What does he mean, he wants to finish that argument?

Interjections by hon. members.

**Mr. Deans:** Doesn't he understand the importance of this issue?

**Mr. Breithaupt:** Move the committee rise and report.

**Hon. Mr. Winkler:** Mr. Chairman, I submit to the suggestion of the Liberal House leader. I think that's the best way out of

this argument because I cannot agree with that member.

Hon. Mr. Winkler moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

Interjections by hon. members.

Mr. Speaker: Order, please.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

Hon. E. A. Winkler (Chairman of Management Board of Cabinet): Mr. Speaker, before I move the adjournment of the House, I would like to say that for Thursday—

Mr. I. Deans (Wentworth): Stop grinning.

Hon. Mr. Winkler: Mr. Speaker, for Thursday, I would suggest that anything on the order paper for Thursday, we would bring before the House for consideration.

Mr. J. R. Breithaupt (Kitchener): Before the adjournment of the House, I would accept the comment from the House leader of the government and simply say I would trust that the committees would meet tomorrow with the hope that, in all, we would be able to deal with the two bills, particularly before the committees; and that the various other possibly minor situations before us with respect to other bills would be dealt with on Thursday.

Mr. Deans: Mr. Speaker, before the House leader responds, I think it is fair to say that while we wouldn't want to direct the committee—

Hon. Mr. Winkler: Ah ha, he is stealing my thunder.

Mr. Deans: Thank you. It would be our wish—

An hon. member: We would encourage.

Mr. Deans: —that the committees would meet tomorrow and Thursday, in the morning, the afternoon and the evening if necessary; and we would hope it would be relayed to all members of all of the committees that this would take place.

Hon. Mr. Winkler: Mr. Speaker, I have to agree with that presentation. As many times as I have sat in this House over the last four years or however long I have been House leader, I have not wished to interfere with the function of the committees but I would hope that is the case. I would hope the committees would meet tomorrow, maybe even tomorrow morning, Thursday morning, Friday morning; all day Wednesday, all day Thursday, all day Friday—if required—to conclude their business.

An hon. member: Saturday?

Hon. Mr. Winkler: No, not Saturday. On the other hand, I would suggest, Mr. Speaker, that we would leave the consideration of the committees to their disposition, as are the orders of the House. As I have called the business for Thursday, that is how I wish it would be.

Mr. Speaker: Just before I place the motion to adjourn I should say that tomorrow at 1:45 p.m., I will present the address to the assembly, passed by this House on Friday last, July 4, for the appointment of the first Ombudsman for Ontario, to the Lieutenant Governor in Council, in Her Honour's chambers. Her Honour has asked me to invite any members who care to attend to the music room on the second floor. I personally would suggest that those interested should be there prior to the hour of 1:45.

Mr. Breithaupt: Mr. Speaker, I would simply rise to say that the members of the House, having committed themselves to the appointment of Mr. Maloney as—

Hon. A. Grossman (Provincial Secretary for Resources Development): Who?

Mr. L. C. Henderson (Lambton): He has him mixed up with the restaurant.

Mr. Breithaupt: —perhaps I should say Ombudsperson for the Province of Ontario. I am sure we all appreciate the invitation you have issued, Mr. Speaker. This appointment is accepted on all sides of the House as something of importance to the Province of Ontario.

Hon. Mr. Winkler: Mr. Speaker, I would hope that the House leader of the NDP would concur with that statement.

Hon. Mr. Grossman: How about it? We haven't heard from the member for Wentworth. Come on.

**Mr. Speaker:** I'm sure he does.

Interjection by an hon. member.

**Hon. Mr. Grossman:** Oh, so he doesn't like Maloney, eh?

Interjection by an hon. member.

**Mr. Speaker:** I would ask those members who are interested to please pass the word

to their colleagues that they should be in Her Honour's chambers before 1:30, because I shall be appearing about that time and the ceremony will proceed.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.

## CONTENTS

**Tuesday, July 8, 1975**

Tile Drainage Amendment Act, Mr. Stewart, second reading .....	3801
Third reading .....	3805
Royal assent to certain bills, the Honourable the Lieutenant Governor ..	3805
Colleges Collective Bargaining Act, in committee .....	3806
Motion to adjourn, Mr. Winkler, agreed to .....	3830





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, July 10, 1975  
Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 10, 1975

The House met at 2 o'clock, p.m.

Prayers.

Mr. L. M. Reilly (Eglinton): Mr. Speaker, before beginning proceedings I thought you might like to know we have a distinguished visitor today from Haiti, the Secretary of State for Trade and Commerce, the Hon. Francois Murat. I thought you and the members would like to welcome him.

Mr. Speaker: Statements by the ministry.

## PICKERING AIRPORT

Hon. J. R. Rhodes (Minister of Transportation and Communications): Mr. Speaker, as the members of the House know, I had given a commitment to present to the Legislature copies of letters; first the copy of a letter that had been sent to the Premier (Mr. Davis) from the Hon. Jean Marchand, the Minister of Transport for Canada, and as well a copy of the letter that has been sent by myself on behalf of the government of Ontario to Mr. Marchand in response.

Mr. Speaker, I feel that both letters should be read into the record and I would like to do so at this time. First of all, Mr. Speaker, the letter, dated June 12, addressed to the Hon. William Davis, Premier of Ontario:

"It is obvious, Mr. Premier, that governments have some critical but difficult decisions to make. These relate to the provision of foreseeable essential services and to influence growth so that it does not concentrate in a very few metropolitan regions of Canada. It is for this reason that the Prime Minister wrote to you on Jan. 31, 1975, inviting your government to engage in discussions with my colleagues, Messrs. Andras, Danson and Mrs. Sauve, relating to desirable demographic objectives, a more balanced pattern of growth, a Canadian urban strategy and land use. These discussions can assist all governments in influencing the nature of this growth and its better distribution.

"It is with this in mind that I write this letter. I believe the decision of the federal government for a minimum international airport at this time allows us to provide the

essential minimum services in the Toronto-centred region for the more immediate future. It further keeps options open to influence and adapt to changes in trends or to provide increased services when required.

"The views of your government on these matters will have a most important influence on the manner and degree in which we move in the future to achieve mutually agreed upon urban demographic and land use objectives. I hope, therefore, that you agree that this approach of our governments gives the maximum degree of flexibility under the circumstances.

"In this light, I am sure that we both found our discussions when we met on Tuesday, May 27, constructive. It is this kind of frank exchange of views that has enabled our two governments to co-operate so successfully on airport developments in the past.

"At our meeting you advised my colleagues and myself of your concerns relating to the minimum international airport as announced. You conveyed your feeling that the minimum airport, without guarantees of further development, represented an insufficiently secure basis for Ontario to take the kind of infrastructural investment decisions that will be required.

"In response to these concerns I should like to summarize the position as I see it:

"1. Pickering airport will be the site at which we will accommodate all additional facilities to provide for future growth in major air carrier activity in the Toronto region. Malton airport will not be expanded beyond the programme I announced in February to accommodate traffic until Pickering will be ready in 1979.

"2. Accordingly, we are finalizing the acquisition of the site, which equals the operational areas of the largest airports in the world, including Mirabel. We are currently finalizing the plan for the possible development of all these lands for appropriate airport uses.

"3. When the facilities I announced on Feb. 20, 1975, have been completed, the federal government will have invested well in excess of \$200 million in the Pickering site. This is clearly a very major and permanent



commitment. All of the committed facilities will be of permanent construction.

"4. The runway will be longer than any at Malton and will be provided with the full range of navigational aids.

"5. (a) The passenger terminal will be a permanent building costing some \$30 million, designed to handle approximately 1.5 million passengers per annum, conveniently and comfortably.

"(b) We will develop this terminal in close proximity to the cargo and maintenance areas to ensure that capital and operating costs in the buildings and infrastructure are held to the minimum appropriate to the anticipated level of activity in this initial period.

"(c) By assigning 1½ million international passengers to Pickering in 1979, Malton airport will be relieved of serious congestion and noise disturbance will be reduced.

"(d) As you know from the conclusions of the Gibson commission, based on all of the evidence, even the enlarged facilities at Malton airport will become congested again in 1981.

"(e) We are therefore actively engaged in planning for a possible subsequent phase of development for implementation by 1981 to meet the expected peak when further traffic would, according to current forecasts, have to be assigned to Pickering from Malton.

"(f) We are also planning for the major growth in air cargo which is forecast. The next major terminal could be large enough to permit consolidation of passenger activities and hence release the initial terminal for conversion to cargo to accommodate the major growth. We are satisfied this building will be appropriately used and will require the same level of infrastructure if converted.

"6. Accordingly, we consider that commitments to infrastructure should be made now to support this major initial development. Further, we must actively continue jointly to plan the infrastructure to support an anticipated subsequent major phase. As the Prime Minister stated, we shall undertake a formal review of the desirability and the need for a subsequent major phase. Should such additional facilities be needed by 1981, planning for them must be completed by early 1977. Related infrastructural commitments will be required by that time.

"7. We are committed to meeting our obligations under the Annex of Understanding, in terms of proceeding with the development in a co-ordinated way of sharing costs for infrastructure that your government undertook to provide, and in terms also of accept-

ing financial responsibility arising from existing land uses that are incompatible with provincial and municipal land use controls related to airport operations.

"8. We look to Ontario similarly meeting its obligations:

(a) in terms of providing access and other infrastructure for:

"(1) the initial phase in accordance with the plans that have been prepared by the appropriate joint committees over the last several years, and

"(2) an ensuing major phase to be available in 1981, the exact timing and need to be determined in 1977.

"(b) in completing the programme of long-term protection by zoning the lands that might be affected by the possible ultimate airport development as described in the final plan which has been provided to the Minister of Housing for Ontario (Mr. Irvine). I understand that work is well advanced in this connection.

"The Prime Minister has recently established a small committee of ministers, of which I am the chairman, to consider all matters relating to the development of the new Toronto International Airport at Pickering.

"We of this committee wish to meet with you and those of your colleagues to whom you may be delegating ongoing responsibilities, to discuss the specific commitments stemming from our respective obligations and to co-ordinate ongoing arrangements for their realization."

That's signed by the Hon. Jean Marchand.

Mr. Speaker, I would like now to read into the record and to table with the House the reply to that letter, dated this date and addressed to the Hon. Jean Marchand:

"The Premier has asked me, on behalf of the government of Ontario, to respond to your letter of June 12, 1975, in which you outline federal government plans for the proposed Pickering airport.

"Let me, initially, extend to you our thanks for the detailed and explicit manner in which you have set forth the decisions and plans that have been developed by your government for this major transportation facility. It has certainly given us a clearer understanding than has been available heretofore of the ultimate prospects you hold for the Pickering facility.

"For our part, I must stress that we agree with a number of the basic assertions and assumptions set out in your letter. There is

no question, for example, that decisions related to any major transportation terminal in Canada must be related to our attempts to formulate desirable demographic objectives, to achieve a more balanced pattern of growth and to move toward more effective urban development and general land use. Further, we accept the fact that, under the Canadian Constitution, a decision regarding the location of a major international airport rests clearly with the federal government. Finally, it is clear and acceptable to Ontario that effective co-ordination and co-operation, in this instance as it relates to the required infrastructure for the proposed airport, must be shown by the province.

"It is also clear, however, that if effective government is to be maintained in this country, each level of government must be left to determine its own basic priorities. Hopefully, these priorities need not be disparate or in conflict. Indeed, in this particular instance, I would hope that much common ground can be found as a basis of future action.

"Nevertheless, I must stress that, at this time, the Province of Ontario finds it difficult, if not impossible, to proceed with the relatively large dollar outlay that will be required for the infrastructure for the Pickering airport. Given the serious problems that we face with inflation and the particular demands that are currently being placed on the province in areas such as housing, energy, health and education, we do not feel that it is realistic to consider the early diversion of funds to a project of this type.

"In your letter to the Premier, you asked if he and other members of our government might meet with the committee to which the Prime Minister of Canada has named you as chairman, to discuss our ongoing responsibilities, commitments and obligations. Mr. Davis has named me to head the Ontario group that will meet your request, and we are anxious to have such a meeting as soon as possible. At that time we shall be pleased to outline to you, in greater detail, the point of view expressed in this letter. Until such a meeting is held, we trust that no start will be made on construction.

"I shall await your response as to the arrangements you propose for the requested meeting."

**Mr. S. Lewis** (Scarborough West): It has been a long, long time.

**Mr. Speaker:** Oral questions.

The hon. Leader of the Opposition.

**Mr. Lewis:** Where is the member for Armourdale (Mr. Carton)? It took a long time to get that from the government—three years.

### PICKERING AIRPORT

**Mr. R. F. Nixon** (Leader of the Opposition): Mr. Speaker, I want to put a question to the minister who has just made this important statement. Because of the enthusiastic acceptance of the concept of the airport three years ago and the statements made by the present Treasurer (Mr. McKeough) at that time, can the minister make it clear that the same concepts, let's say, are not going to permit additional growth at Malton where the problems with international aircraft transportation have been such a burden on that community?

**Hon. Mr. Rhodes:** Mr. Speaker, I think we have made it clear in the past and will continue to do so that we do not in any way support any expansion of facilities at Malton as it now exists. We have said that very clearly and we don't intend to change our position.

**Mr. R. F. Nixon:** A supplementary: Since the letters the minister has read into the record have indicated clearly that the rate of growth of airport utilization—while there is nothing definite about this—is going to be substantial, how would the Minister of Transportation and Communications explain to the people of Malton that the statement of policy having to do with Pickering is going to mean there is no further growth at Malton? Is this a statement of a policy which will not be permitted under the planning regulations of this government?

**Hon. Mr. Rhodes:** Mr. Speaker, I think the contents of both letters—certainly the letter from Mr. Marchand—indicates what they are anticipating in the way of growth at Malton in the number of passengers; they are accordingly developing the terminal facilities to handle that.

They have indicated, as I understand it—and I have no intention of getting into a technical argument with the Ministry of Transport—that there is sufficient facility there now, as far as runways are concerned, to handle the anticipated growth.

We have indicated very clearly that we do not support at all any expansion of the facilities at Malton. There are a number of things which can be done, we feel, in discussions with the airlines now using those facilities, to enable Malton to serve the needs of this



province and this particular area for a number of years to come with its present facilities.

**Mr. R. F. Nixon:** How many years?

**Mr. Lewis:** A supplementary.

**Hon. J. White** (Minister without Portfolio): What's the Liberal policy?

**Mr. A. J. Roy** (Ottawa East): If it's not obvious to the minister, it should be.

**Mr. J. M. Turner** (Peterborough): What policy?

**Mr. Speaker:** Order, please.

**Mr. Roy:** Our policy is clear.

**Mr. Lewis:** This is called government by reversal these days.

**Mr. Speaker:** A supplementary, the member for Scarborough West.

**Mr. Lewis:** Is the minister willing to pass now the required provincial anti-noise regulations which would govern Malton immediately and in the near future, to bring the noise levels down—we know, technologically, it is possible now—in order to prevent the federal government from any further extravaganzas?

**Hon. Mr. Rhodes:** Mr. Speaker, I don't think I should say whether we are prepared to pass such regulations at this time. I will say, though, to the hon. member that his point in the technical capability to reduce noise factors is certainly well known. In fact, the federal government has been distributing a pamphlet in Vancouver telling the good people out there how they will do it. So we are sure they can do it in Toronto.

**Mr. Lewis:** That's right. Why not pass the regulations here?

**Hon. A. Grossman** (Provincial Secretary for Resources Development): That was a great plan.

**Hon. Mr. Rhodes:** That is a matter for discussion.

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): We can't.

**Mr. Lewis:** Of course we can.

**Mr. Speaker:** Further questions? A supplementary, the member for York North.

**Mr. W. Hodgson** (York North): I'd like to put a supplementary to the minister with regard to the area I represent. He has spoken

about future meetings with the federal Ministry of Transport. As far as the region of York is concerned and the town of Whitchurch-Stouffville, can I have assurance from the minister that they will be included in any planning of services to be provided to Pickering airport and that the town of Whitchurch-Stouffville or the surrounding townships—which I don't have the pleasure of representing—also the region of York, will not have additional costs as far as providing services for Pickering airport are concerned—if and when it goes? Will they be included in any planning which goes on in the area?

**Hon. Mr. Rhodes:** Mr. Speaker, I think as far as my ministry is concerned—and I would suggest it would certainly apply to others which will be involved—we would certainly discuss any facilities that we would be developing in that area with the municipal governments. For that matter, we go into public participation and allow the citizens of the area, individually or as groups, to make representations and take part in that planning.

As far as costs are concerned, should any type of infrastructure be required in the future then, of course, we would want to negotiate a sharing of these costs with the other level of government. So, hopefully, there would be no costs directly to the municipality.

**Mr. Speaker:** The hon. Leader of the Opposition.

**Mr. R. F. Nixon:** I would like to put a question on the same subject to the minister. The announcement of a postponement really means that we are foregoing the expenditure of how much money for infrastructure? I was interested to read that the minister indicated a ball park figure might be \$50 million. What sort of savings, which is the basis for today's announcement, are we going to accomplish over the next two years in this regard?

**Hon. Mr. Rhodes:** Mr. Speaker, I would hesitate to say over the next two years. Let me say that from my ministry's point of view—and there are other ministries that would be involved in certain costs—between \$80 million and \$100 million would be required for the ground transportation facilities to serve the airport as it is planned by the federal government. That does not include the possibility of urban transit systems. That is simply the highways and the land acquisitions and what have you. So it could be between 80 million and \$100 million for the full airport facility to be served.

**Mr. M. Cassidy** (Ottawa Centre): Milk and water.



**Mr. Speaker:** Any further questions? Supplementary question; the member for Scarborough West.

**Mr. Lewis:** Can I understand a little more the import of the minister's statement? Is the minister attempting to convey opposition to a second international airport? Suppose the federal government said to him, "We will go ahead with the servicing; we will assume those costs"? Would the minister permit the airport to proceed, or is he simply assuming that, not willing to provide the services himself, it will come to a dead halt?

**Hon. Mr. Rhodes:** Mr. Speaker, I think I should hopefully make this very clear that we have said, and we say it continually and will continue to say, that the federal government has the constitutional authority and responsibility for the establishment of an airport.

**Mr. Cassidy:** Oh, come on.

**Hon. Mr. Rhodes:** If the federal government came along and said they were going to put all of those things in, I don't know whether we are in a position to prevent it. We would like to look into that matter if it should arise. What we are saying at this time is that we are not prepared to commit provincial funds to that extent to provide the services that are expected for that.

**Mrs. M. Campbell (St. George):** At that time.

**Mr. Speaker:** The member for York Centre.

**Mr. D. M. Deacon (York Centre):** Would the minister consult with his colleague, the Minister of Housing, to now lift a freeze on noise land affected by airport zoning, which was put on by the present Treasurer on March 2, 1972?

**Hon. Mr. Rhodes:** I would suggest that the hon. member can urge the Minister of Housing by himself. He is here and I am sure he is willing to listen to the member's pleas.

**Mr. Lewis:** But can he answer? Can he answer without the minister's help?

**Mr. Speaker:** The member for Ottawa Centre.

**Mr. Cassidy:** Can the minister explain why it is that the province will leave this decision to the federal government, when it is the Province of Ontario which is responsible for the land-use planning across Ontario and for the location of industry and jobs, and that kind of thing? How can the minister some-

how ignore the location of an airport which is going to involve so much transportation, so many jobs, so many other things that have got such an impact on the economy of the province? How can the minister abandon the responsibility there if he has these other responsibilities?

**Hon. Mr. Rhodes:** I don't believe we are abandoning our responsibility at all. I am simply—

**Mr. J. A. Renwick (Riverdale):** He'd better look into that question.

**Hon. Mr. Rhodes:** I say to the members very simply that at this point in time this government is saying—and saying it very clearly, I think, in this letter—that it is not going to commit provincial funds to that amount at this time to service any airport anywhere.

**Mr. Cassidy:** The minister is copping out whether he wants it or not.

**Mr. Speaker:** A final supplementary; the member for Downsview.

**Mr. V. M. Singer (Downsview):** Can I ask of the minister—again, in an effort to understand the reason why—is there anything in his letter of reply that tells the federal government that he doesn't want them to go ahead, or that precludes Ontario, after 1977, from investing in the support services if it desires to do so? Either one of those.

Is there anything that says to Ottawa, "No, we don't want you to go ahead," or is there anything that says, "We are precluding ourselves after 1977 from building the support services?"

**Mr. Renwick:** No, there isn't. Of course not.

**Hon. Mr. Rhodes:** I think the answer to both questions is simply no.

**Mrs. Campbell:** Specious.

**Mr. Speaker:** Does the Leader of the Opposition have any further questions?

**Mr. R. F. Nixon:** If I might ask, then, either a new question or a supplementary. The only justification for the reversal of the policy of the government, which I think was best exemplified by the Treasurer, who was quoted in the Toronto Star of May 26—"McKeough: Stop Fiddle-Faddle So We Can Start On New Airport"—the only difference is that the government can't afford the \$80 million—

**Hon. Mr. Grossman:** Did he say "fiddle-faddle" or "fuddle-duddle"?

**Mr. R. F. Nixon:** What is the difference between "fiddle-faddle" and "fuddle-duddle"? Is one of them more fun than the other? Which is more fun?

**Hon. Mr. McKeough:** Mr. Speaker, in response to the questions of the Leader of the Opposition, I would say that he should just look behind him; he has examples of both.

**Mr. R. F. Nixon:** Because of the usefulness and the interjection of the fiddle-faddler, can the minister then say that the decision in this letter, which is really a very careful circumlocution that commits the government to nothing more than a postponement, is only on the basis of the money involved, which certainly wasn't bothering the Treasurer in his previous incarnation in that office?

**Hon. Mr. Rhodes:** Mr. Speaker, in the response I have already sent to Mr. Marchand we said we will not commit any funds at this time; that is our position.

**Mr. R. F. Nixon:** But the government is not against the airport?

**Mr. Deacon:** Maybe in 1976 it will support it again.

Interjections by hon. members.

**Mr. Speaker:** A supplementary. The member for Scarborough West.

**Mr. Lewis:** I know the minister inherited this mess—I understand that, it fell in his lap—but doesn't the minister think that the people in North Pickering, all of the citizens' groups and councils of various municipalities who have waged such a heroic battle against the airport for so long, deserve something more definite from the minister than yet another announcement to take them through the election period, which is what the minister is engaged in today? Doesn't the minister think they deserve something more than that?

**Hon. Mr. Rhodes:** Mr. Speaker, as I said in the closing portion of the letter to Mr. Marchand—Mr. Marchand has invited us to sit down and discuss a number of matters as they relate to that airport—in fairness to all of us in this House, I think I should go and sit down to hear what he and Mr. Danson and others who are on that committee with him have got to say.

**Mr. Singer:** All those nice fellows.

**Mr. Lewis:** This is called bad-faith bargaining. This government doesn't intend to go ahead—or does it intend to go ahead?

**Hon. Mr. Rhodes:** I intend to go ahead with the meeting with Mr. Marchand.

**Mr. Lewis:** When? In October?

**Mr. R. F. Nixon:** Another election gimmick. Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Hon. Mr. Rhodes:** I have also suggested to Mr. Marchand that nothing be done in the meantime.

**Mr. Lewis:** This is going to catch up with this government.

**Mr. Speaker:** Order, please. Does the hon. Leader of the Opposition have any further questions?

#### REMOVAL OF SALES TAX FROM AUTOMOBILES

**Mr. R. F. Nixon:** Mr. Speaker, I would like to ask a question of the Treasurer if I may. Is the Treasurer contemplating some special action to assist those people engaged in the marketing of imported cars—evidently 6,000 are employed in this business in the Province of Ontario—who have found, as a result of the removal of the sales tax from cars manufactured in North America, that their business has disappeared for this period of six months? Is there some procedure whereby he can be of some assistance to them or are they just out of luck because of the political approach the Treasurer has taken in this particular important matter?

**Hon. Mr. McKeough:** Mr. Speaker, I am meeting with the association of imported car dealers this afternoon but—

**Mr. R. F. Nixon:** The Treasurer is just a sort of innocent bystander. Is that it?

**Hon. Mr. McKeough:** No, I think the concern on this side is for Canadian workers and we make no apology for that—none whatsoever.

Interjections by hon. members.

**Mr. Speaker:** Order, please. Any further questions?

**Mr. Roy:** A supplementary. In view of the Treasurer's answer that his government's concern is for Canadian workers, how does

he explain having set the standard at 460 cu in., when in fact the majority of these cars sold here are made in the United States? How is that consistent with his concern for Canadian workers?

**Mr. R. F. Nixon:** That's so the Treasurer could buy a sedan.

Interjections by hon. members.

**Mr. R. F. Nixon:** That's a reasonable question.

**Mr. Roy:** What an arrogant fuddle-duddle.

**Mr. Speaker:** Does the Leader of the Opposition have any further questions?

**Mr. Roy:** No answer on that, eh?

**Hon. Mr. McKeough:** Mr. Speaker, my colleague, the Minister of Government Services (Mr. Snow), said, "Have they never heard of the auto pact?" I don't know whether they have or not. We would be glad to take them through it some time or another. But I say to my friends over there, for once in their life they should stand up for Canada and for Ontario.

Interjections by hon. members.

**Mr. Speaker:** Any further questions? The Leader of the Opposition?

**Mr. R. F. Nixon:** Did the minister say he was prepared to meet with these people, at least, so that they can convey to him the problems that they're going to face because of the decision taken by the Treasurer? And what can he do to assist them? Just tell them to stand up for Canada—is that what he's going to tell them?

**Hon. Mr. McKeough:** No, I might suggest that they go down and see the member's friends in Ottawa, who are wrecking Canadian industry right across this country.

**Mr. R. F. Nixon:** Now that we've got it settled that it's Ottawa that's responsible for this, we'll go on to something else.

#### WHITE-TAILED DEER

**Mr. R. F. Nixon:** I suppose we'll have to put the question to the Provincial Secretary for Resources Development, because the Minister of Natural Resources (Mr. Bernier) is away again today.

**Mr. J. H. Jessiman (Fort William):** So is the member for Grey-Bruce (Mr. Sargent).

**Mr. R. F. Nixon:** Has the minister received the briefs from the people in the Algonquin Park area who are very much concerned about the white-tailed deer population? They say that the management procedures are going to become redundant, since all of the deer are going to be destroyed. Has the minister received the information pertaining to this particular problem, and has he established any new policy with regard to it?

**Hon. Mr. Grossman:** Mr. Speaker, that hasn't come to my attention yet. I'll draw it to the attention of the Minister of Natural Resources.

**Mr. Singer:** And then say that if there is a problem the federal people created it.

**Mr. R. F. Nixon:** Supplementary: Since a number of telegrams have been directed towards the ministry and to myself, and I'm sure to others, if I were to send this to the minister's attention would he be able to give us some indication of any change in government policy before the House rises sometime within the next two or three weeks?

**Hon. Mr. Grossman:** Mr. Speaker, I'm sure my colleague, the Minister of Natural Resources, will provide this information to the Legislature.

**Mr. R. F. Nixon:** He'll be back?

**Hon. Mr. Grossman:** He may even be back this afternoon. I was at a meeting with him this morning.

**Mr. Speaker:** Any further questions? The member for Scarborough West.

#### PICKERING AIRPORT

**Mr. Lewis:** Another question, if I may, of the Minister of Transportation and Communications. There was a ministry report on which the minister's reply to Jean Marchand was based, was there not? A report largely drafted by W. D. Miller in the ministry. Would the minister table that report so we can see what the provincial position is, as laid out in the document?

**Hon. Mr. Rhodes:** No, I don't believe I would table that report. That was an in-house report that I had asked to be prepared for me for my information.

**Mr. R. F. Nixon:** It's another one of those, eh?

**Hon. Mr. Rhodes:** I see no reason to put that on record here.



**Mr. D. C. MacDonald** (York South): We need a Freedom of Information Act around here.

**Mr. Cassidy:** We sure do.

**Mr. Lewis:** By way of supplementary: Since that report, as I understand it, is the key both to the reply that the minister has given today and to the future intentions of the government, when is he going to stop the policy of suppressing, not so much internal documents, but major policy statements that have enormous public interest on which political decisions are based? What is the minister hiding in that report that cannot be provided for the members of the Legislature and the public?

**Hon. Mr. Rhodes:** I'm not hiding anything in the report.

**Mr. Lewis:** Table it then.

**Hon. Mr. Rhodes:** I asked for information to come to me from the members of my staff for the purpose of developing a source of information and a volume of information on the particular problem. I have it, and if the member thinks I'm going to table everything in this House that's sent to me when I request information, he has got to be out of his mind.

**Mr. Lewis:** No, no.

**Mr. Renwick:** No, just what we are asking.

**Mr. Lewis:** By way of supplementary, if I may: Since this report—

**Mr. R. F. Nixon:** Mr. Speaker—

**Mr. Speaker:** Order, please. Is this a supplementary? The questioner may ask his first, then the hon. Leader of the Opposition.

**Mr. Lewis:** Since this report, as I'm given to understand, forms much of the basis for a major shift—apparently not a reversal, but at least a major shift—in government policy, indicating criticism of the federal approach far beyond that which is contained in his reply today, doesn't he think it should be a public document? The man's name is W. D. Miller, and I gather it's a report of some substance.

**Hon. Mr. Rhodes:** Mr. Speaker, the man's name is W. D. Miller; it certainly is a report that I found most interesting, and there are a number of interesting points in it. But, as I said at the outset, I don't feel that I should table it in the House.

**Mr. Lewis:** That is the suppression of public information. It is a serious suppression of information.

**Mr. Cassidy:** Why doesn't he come clean?

**Mr. R. F. Nixon:** Mr. Speaker, I think the minister has a responsibility in this regard, surely, to protect certain individuals if they are putting an opinion that has perhaps, not been accepted or something like that, or if it has something to do with the reputation of individuals, or the amount of money they're paid. That sort of thing can always be, I suppose, kept from the public if it is the minister's decision that individuals are concerned in that way. But, surely, the member has said, when this is the cornerstone of the change in public policies not only the members of the House but the people directly concerned as taxpayers should be provided with the information. I don't see the justification for keeping this sort of thing secret.

**Mr. P. Taylor** (Carleton East): The Treasurer can check our policy on that.

**Mr. Lewis:** He really can't table it, can he, because it is an indictment of federal policy.

Interjections by hon. members.

**Mr. Speaker:** Any further questions? Does the member for Scarborough West have any further questions?

## RENT CONTROLS

**Mr. Lewis:** I have a question of the Minister of Housing.

In response to my colleague from Riverdale a few days ago the minister indicated a statement would be coming on rent control or rent review or something of the kind. When is it the minister's intention to make that statement?

**Hon. D. R. Irvine** (Minister of Housing): Mr. Speaker, that will be made when the cabinet decides what my statement should be.

**Mr. Lewis:** So they are finally putting some reins on the minister? I can't blame them.

Can the minister tell me if his reply to my colleague—that it would be in a very few days—was just tossed in lightly or is there a scheduled time for this decision?

**Hon. Mr. Irvine:** Mr. Speaker, I never toss a statement in lightly.

## CO-OPERATIVE HOUSING

**Mr. Lewis:** I have another question if I may, of the same minister.

What is the minister going to do about the so-called sector support for his community-sponsored housing programme, since he is so hooked on housing? Am I right in thinking that the minister budgeted \$0.5 million last year in the estimates, not a penny of which was used; and has \$300,000 this year, none of which has yet been used? Why is he budgeting this money for co-operative housing when it suits his purpose but never employing it?

**Hon. Mr. Irvine:** Mr. Speaker, first of all the figure the hon. member quoted for last year, \$500,000, is absolutely correct.

**Mr. Lewis:** Thank you.

**Hon. Mr. Irvine:** The other figure of \$300,000 for this year is absolutely correct.

**Mr. Lewis:** Thank you.

**Hon. Mr. Irvine:** We have been trying to determine which is the best way to handle—

**Mr. Lewis:** Which is the best figure?

**Hon. Mr. Irvine:** No, which is the best way to handle the groups which have been suggested to us.

**Mr. E. W. Martel (Sudbury East):** The figures are unreal.

**Hon. Mr. Irvine:** Should it be a central group or should it be by—

**Mr. Renwick:** Get rid of the member for St. David (Mrs. Scrivener) and the minister might be able to find it.

**Hon. Mr. Irvine:** —northwestern Ontario, northeastern Ontario, central Ontario, eastern, and so on? We have talked with our federal counterparts but we haven't been able to get assurance from them as to what their procedures will be this year and next. I happen to have had a meeting with my acting deputy minister this week. We have proposals going forth very shortly to the sector group the member referred to and we will have a statement to make before long.

**Mr. Lewis:** A supplementary: The minister made a pretty grandiose announcement in the spring of 1974 about co-operative housing and what would emerge and he had \$0.5 million budgeted. Is the minister saying in all the time between then and now he has never resolved a policy as to how to distribute the

money, despite all the pressure on him from these groups?

**Hon. Mr. Irvine:** Mr. Speaker, let me put it very clearly to all members. I don't give in to pressure, regardless of what group it is.

**Mr. Roy:** He lives in a world of his own.

**Hon. Mr. Irvine:** There is absolutely no way that we are going to—

**Mr. Lewis:** He doesn't give in to sanity, to logic, to argument or anything, let alone pressure from anyone.

**Hon. Mr. Irvine:** Very seldom does it come from that side, that's why. Now let me finish my statement. When I have something which will be applicable and will work I will certainly enforce it and I will provide it with funding. Until such time as I am satisfied in my own mind as to how the sector group should work I am not going to spend money foolishly. I don't think the member would want me to either.

**Mr. Cassidy:** If the minister says it will work it will probably be a disaster.

## PROVINCIAL HEALTH CONFERENCE

**Mr. Lewis:** To the Minister of Health—would the minister consider it unfair of me if I asked him what the status was of the proposed health conference?

**Hon. F. S. Miller (Minister of Health):** No, far from it, Mr. Speaker. I was afraid the member wouldn't ask.

**Hon. Mr. Grossman:** The minister keeps planting questions with the member. I know.

**Mr. Lewis:** He phoned me to ask me to ask him.

**Hon. Mr. Miller:** I was afraid he wouldn't do it. The fact is we have some symptoms of schizophrenia, I think, in the nation because we have a division at the Ontario border. Everywhere east of Ontario is willing to come; everywhere west of Ontario is not willing to come.

**Hon. Mr. Grossman:** I wonder why.

**Hon. Mr. Miller:** We will have the meeting on Tuesday, that has been decided. We have recontacted the four western provinces. In one case they clearly stated it was a bad day for them; the other cases were not sure why they didn't choose to come to the conference. We simply believe it is important, that the timing is right and that the con-

ference should go on. We are hoping that one or two of the provinces out west will reconsider today and let us know.

**Mr. Lewis:** Does the minister mean to say that the Tory government of Alberta also said no to the telegram?

**Mr. Martel:** Oh, Frank!

**Hon. Mr. Miller:** I am going to have to go out and talk to them somehow.

**Mr. Speaker:** Any further questions?

## COMMISSION ON THE LEGISLATURE

**Mr. Lewis:** I have just one last question of the minister of—oh, the provincial Treasurer. Sorry, the House leader.

**An hon. member:** Somebody.

**Mr. Lewis:** Anyone.

**Mr. W. Ferrier** (Cochrane South): The Provincial Secretary for Resources Development.

**Mr. Lewis:** Can I ask the House leader what has happened to the final Camp commission report, which involved the specific reform of the entire legislative process and was the reason for the Camp commission having been struck in the first instance? I had understood it was to be tabled in May, then in June; can he give us a date for its tabling?

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): I can't give the hon. member a date, Mr. Speaker. I don't know when it's going to be filed.

**Mr. MacDonald:** The minister could catch up to Camp and get him to sit down and finish the job.

**Mr. Speaker:** Order, please. The Minister of Education requests permission of the House to revert to statements momentarily. There may be questions raised later, depending on the statement.

**Mr. Lewis:** It depends on what it is about.

**Mr. Speaker:** Do we have that permission?

**Mr. Martel:** Is it a statement a day?

**Mr. Speaker:** Do we have that permission?

**Some hon. members:** Agreed.

**Mr. Speaker:** The hon. Minister of Education.

## SHARING OF SCHOOLS IN METROPOLITAN TORONTO

**Hon. T. L. Wells** (Minister of Education): Thank you very much, Mr. Speaker. I apologize for asking this permission but the duties of our committee made it difficult to get this ready in time.

**Mr. Martel:** Is it something we can blame on the federal boys?

**Hon. Mr. Wells:** Mr. Speaker, I'd like to report to the House on a crucial problem involving accommodation for pupils under the jurisdiction of the Metropolitan Separate School Board.

During the summer of 1974 I had several lengthy meetings with representatives of the Toronto Board of Education and the Metropolitan Separate School Board concerning school accommodation problems in west Toronto. Following these meetings, accommodation needs in that area of Toronto for the 1974-1975 school year were worked out by the parties concerned. Also, as a result of these meetings, a joint committee composed of the chairman and the directors of education for the two boards was set up to bring forward a report on the sharing of schools. This report, which was agreed to, Mr. Speaker, by all those on the committee, was presented to the two boards concerned in May.

It is obvious to me, Mr. Speaker, that this committee worked very diligently on this very difficult problem and came up with a workable report; I would like to commend the chairman of the Toronto board, Mr. Gordon Green; and the chairman of the Metro Separate School Board, Mr. Joe Grittani and their director of education, Mr. Ed Nelligan, for their fine work on this committee and the development of what, in my opinion, is a fair and workable answer to the question.

However, Mr. Speaker, while this report was accepted by the Metropolitan Separate School Board it was rejected by the Toronto Board of Education. This action makes it very clear to me that an impasse has again been reached relative to the accommodation issue in west Toronto. Having in mind that the responsibility of the Minister of Education is for the school accommodation needs of all children, I believe that action must be taken in order to effect: (a) a short-term solution to the immediate problem; and, (b) to establish procedures to create more effective solutions for the future. I will therefore, Mr. Speaker, take the following action:

1. A freeze will immediately be placed upon all approvals for new school buildings



or additions under way or proposed by the Toronto Board of Education.

2. I will inform the chairmen of the Toronto Board of Education and the Metropolitan Separate School Board that every consideration would be given to the solutions that have been proposed in the report of the joint study committee if the boards will agree to advance the proposals to me. The projects concerned are the Pauline-St. Sebastian facility; the Earlscourt-St. Stella Maris joint-use facility; and the Perth-St. Luigi unit.

3. To meet what appears to be a recurring situation, I have instructed officials in the ministry to review the recommendations of the study team on the sharing or transferring of school facilities with a view to establishing a number of the mechanisms and procedures that were suggested by the study team.

Mr. Speaker, it is my sincere hope that both school boards in Toronto will be able to agree to a solution to the current impasse and thereby eliminate the freeze on building projects imposed on the city of Toronto Board of Education as soon as possible. I have written the chairmen of both boards today and suggested that we meet sometime next week.

Since the report of the study team, Mr. Speaker, it has been my express desire and hope that school boards would be able, by sincere co-operation and a mutual demonstration of good faith, to effect school sharing solutions that would not in themselves create other problems, be those problems the dislocation of children within families or the need to expropriate family housing that is so necessary within our developing urban centres.

The report of May, 1975, on the sharing of schools—prepared jointly, as I have just indicated, by the chairman and officials of the school boards in Toronto—is a good example of reasonable and creative solutions to local school accommodation needs. The Ministry of Education, as I have indicated, Mr. Speaker, is prepared to aid in the implementation of the solutions that have been suggested.

I recognize the difficulties that lie within any solutions that boards undertake. Nevertheless, it is clear from much of the work accomplished to date by boards acting in good faith, both in Metropolitan Toronto and elsewhere, that while solutions can be achieved to a degree, a point can be reached where the intervention of the ministry is required.

In conclusion, Mr. Speaker, I would like to quote from a memo I wrote to school boards on Nov. 20, 1972, in which I said: "I am confident that the educational objectives of all concerned will not be compromised by a determination to avoid waste in the use of school buildings." I believe that the people of Ontario share this view.

Mr. Speaker: We'll add five minutes to the normal question period.

#### SHARING OF SCHOOLS IN METROPOLITAN TORONTO

Mr. R. F. Nixon: May I ask the minister a question on that statement: Did he meet with the representatives of the two boards since the problem in west Toronto became public and before making the decision to impose the freeze, or is this simply imposed during a period when he intends to meet with them?

Hon. Mr. Wells: Mr. Speaker, I had informal discussions with the chairman of the Toronto board and the chairman of the Metropolitan separate school board yesterday afternoon.

Mr. R. F. Nixon: Supplementary: Could the minister inform the House, was it his impression, on the basis of those discussions, that, in fact, reasonable co-operation was impossible, short of the imposition of this freeze?

Hon. Mr. Wells: Yes, Mr. Speaker. If I thought that reasonable co-operation would have been forthcoming I wouldn't have suggested the immediate freeze on the school buildings in Toronto.

Mr. Lewis: That was drastic, but good. The minister is right. Quite right.

Mr. Renwick: He should have limited it to west of Yonge St.

Mr. Lewis: They needed that done to them. It's about time.

Mr. Speaker: The hon. member for Wentworth.

#### OMB HEARING IN HAMILTON

Mr. I. Deans (Wentworth): I have a question of the Treasurer, as the Minister of Intergovernmental Affairs. Will the Treasurer consult with the Attorney General and review an Ontario Municipal Board hearing that is currently being conducted in the city of

Hamilton, which began in 1973, when the OMB was under the Ministry of Intergovernmental Affairs, and was continued, as by the notice, today and yesterday, in 1975? It was heard initially by Mr. Arrell—I think the senior vice-chairman—and is now being heard by Mr. Speigel. Can the minister determine the appropriateness of the continuation of a hearing under a different chairman; a hearing which heard evidence under oath in 1973?

**Hon. Mr. McKeough:** Mr. Speaker, I think that question would be more appropriately put to my colleague, the Attorney General, who unfortunately is not here but who shall return.

**Mr. Deans:** Yes, but the hearing is going on.

**Mr. Speaker:** The hon. member for Ottawa East.

#### OTTAWA-CARLETON DETENTION CENTRE

**Mr. Roy:** Mr. Speaker, I have a question of the Solicitor General, in the absence of anyone else from the Justice policy field. In view of the minister's concern for public safety in the province, would he bring to the attention of his colleague, the Minister of Correctional Services (Mr. Potter), the sad situation presently existing in the regional detention centre in Ottawa—where, as he knows, a breakout occurred on June 5; seven inmates got free and only four have been recaptured? Is the minister aware of the fact that the problems that existed at that time—the security problems and the staffing problems—are, if anything, worse than they were back on June 5? Would he also bring to his colleague's attention the fact that nothing has been done to improve the security and, in fact, the staff has decreased since that time? Would he bring that to the attention of his colleague, the Minister of Correctional Services?

[Applause.]

**Mr. T. P. Reid (Rainy River):** We're glad to see the Solicitor General here.

**Mr. Roy:** I didn't realize my question was that good.

**Hon. G. A. Kerr (Solicitor General):** Mr. Speaker, yes, I will bring the hon. member's remarks and concerns to the attention of my colleague, the Minister of Correctional Services.

**Mr. Roy:** If I might ask one supplementary on this, Mr. Speaker: Would the minister also bring to his colleague's attention—

**Hon. Mr. Grossman:** The member shouldn't overplay his hand. No more applause.

**Mr. Roy:** —the fact that apparently on June 30 there were only seven staff people and one receptionist to take care of some 125 to 140 inmates, both in the maximum and the minimum security sections of that detention centre?

**Hon. Mr. Kerr:** Yes, Mr. Speaker, he will be aware of the member's question as well; it will be on the record.

**Mr. Speaker:** A supplementary from the member for Carleton East.

**Mr. P. Taylor:** I would appreciate it if the minister would seek these answers from the Minister of Correctional Services. Would he also point out the tremendous concern by the very-quickly-increasing population of the north Gloucester area, where the detention centre is situated, that this situation exists? They are very concerned for the safety of themselves and their families.

**Hon. Mr. Kerr:** Yes, Mr. Speaker.

**Mr. Speaker:** The member for Sudbury East.

#### HEALTH AND SAFETY STANDARDS AT ELLIOT LAKE

**Mr. Martel:** I have a question of the Minister of Health. Was the Ministry of Health involved, along with the Ministry of Labour in establishing the 120 work-level months as the criterion to be used for considering lung cancer claims at Elliot Lake?

**Hon. Mr. Miller:** Mr. Speaker, it wasn't a criterion for establishing claims. It was simply the maximum number of months that a person should, in our opinion, work safely within the mines; or the exposure to which they might be subject in their total lifetime without ill effect. Our ministry has been involved in the establishment of that guideline.

**Mr. Martel:** Supplementary question, then, Mr. Speaker: If records were not kept prior to 1968, and they weren't, how then do we calculate the amount of exposure men have been subjected to who are attempting to obtain claims and who have been unsuccessful to this point because of the 120 work-level months?



**Hon. Mr. Miller:** Mr. Speaker, the claim, as I understand it, in the absence of any illness, would be to allow that person to change the location of his work from an exposed area to an unexposed area, and would cover 75 per cent of his loss of pay in so doing—is that correct in the member's opinion?

**Mr. Martel:** Right.

**Hon. Mr. Miller:** This question was asked from the floor in Elliot Lake. We pointed out that we can't create records that don't exist; we could only try to approximate records. According to some of my technical staff, while we can't state with what accuracy that will be done, we would do our very best to approximate for any workers the likelihood of their having been exposed to 120 months exposure during their working lives. If there is reasonable doubt about that, I think I implied that we should err on the side of the employee.

**Mr. Martel:** A final supplementary: If the minister has established four work-level months for any given year and 120 work-level months for the lifetime of the employee—which really means it could be a minimum of 30 years of exposure, and yet in fact there are many men in Elliot Lake who have cancer now who certainly haven't been exposed to radiation for 30 years, calculating four into 120—then surely to God there has got to be something more positive than the 120 work-level months now being utilized in establishing whether a claim is a viable one related to the exposure.

**Hon. Mr. Miller:** Mr. Speaker, where a person has, in fact, an illness, I think it's an academic argument. We have to treat the illness on the basis of whether it's caused by work or caused by some other symptom such as smoking. Of the workers tested last year, I believe only one of the people showing any of the category 4 x-rays had any indication of cancer.

**Mr. Speaker:** The Minister of Revenue has the answer to a question asked previously.

#### ASSESSMENT ACT CHANGE

**Hon. A. K. Meen** (Minister of Revenue): Mr. Speaker, on July 2 last, the hon. member for High Park (Mr. Shulman) asked me if I was aware that in order for a person to appeal his assessment under the new Assessment Act, he can only appeal if his assessment is inequitable in terms of neighbouring assessments; that under the new Assessment

Act he is not allowed to find out what the neighbouring assessments are; and that these various inequities in the Assessment Act have been labelled an absurdity by Judge Scott in the provincial court in Niagara Falls.

Mr. Speaker, section 90 of the Assessment Act, to which the hon. member for High Park referred, is not new. It has been in force since 1971. It does provide that a complaint or an appeal against an assessment be supported by evidence that the assessment is inequitable when compared to similar property in the vicinity.

The hon. member is wrong when he claims that the person is not allowed to obtain the assessments on similar property. Any person does, in fact, have access to the assessment roll, which is a public document in the municipality and which is available at the municipal offices for anyone to examine during office hours.

The assessment roll contains a list of information on every property in the municipality, including such items as the description of the property, the names of the persons liable to assessment on that property, the market value of the land, the number of acres of the land and the assessment itself, among other items, all of which are provided for in section 17, subsection 1 of the Assessment Act.

I might add that if the taxpayer is not satisfied with the information obtained from the roll, he can obtain more detailed information on his own property from the local regional assessment office which has all the particulars on assessment data sheets and appraisal cards for every property in the municipality.

In the decision of His Honour, Judge Donald Scott, in an assessment appeal at the county court heard July 18, 1974—that being the case to which the hon. member referred in his question—Judge Scott gave his opinion of section 90. He did say that he thought section 90 was unfair to the taxpayer because his only recourse in an appeal was to assessments on similar properties in the vicinity, which could all be assessed incorrectly.

He also said that that assessment appeal had been adjourned for several months because he was awaiting an interpretation from the Ontario Court of Appeal on section 90. But the decision was still pending and Judge Scott found it necessary to continue with the appeal in question.

Subsequent to the decision of His Honour Judge Scott, a judgement on section 90 was



pronounced by the Chief Justice of the Supreme Court of Canada in the matter of an assessment appeal. In his judgement, delivered on June 26 last, Chief Justice Bora Laskin stressed—and I underscore the word stressed, Mr. Speaker—that, inasmuch as the taxpayer is entitled to be assessed at the value at which similar property in the vicinity is assessed, section 90 does not diminish his protection through his rights to appeal. This would seem to put to rest the concern expressed by His Honour Judge Scott and by the member for High Park.

**Mr. Speaker:** Just a point of caution to the minister and anyone else answering questions, a long detailed answer like that might better have been made as a statement before the orders of the day. We'll add 1½ minutes to the question period. Supplementary, the member for High Park.

**Mr. M. Shulman (High Park):** Supplementary: Is it not correct that someone wishing to appeal cannot get any of the details of the assessment of neighbouring properties—which is what I asked the minister—except by making application to a court? So that, in effect, he must go to court before he knows whether he is entitled to a reconsideration.

**Hon. Mr. Meen:** Mr. Speaker, the degree of detail to which the individual is entitled with respect to properties other than those registered in his name is spelled out in the section to which I made reference. He is entitled to complete detail—floor area, type of bathroom fixtures, the whole and complete material on file with the ministry—of his own property by application; and, if it is in the courts, then of course he is entitled to obtain that information otherwise. I think there is very good reason why a taxpayer may not go on a fishing expedition to look into the records of all of his neighbours' properties to see what kind of bathroom fixtures they might have or what kind of family they may have.

**Mr. Shulman:** His own?

**Hon. Mr. Meen:** He can look at those figures—

**Mr. Shulman:** So how can he know if he is over-assessed then?

**Hon. Mr. Meen:**—and if he questions them, sir, he may make his appeal to the courts.

**Mr. Speaker:** The hon. member for Huron.

## NOISE POLLUTION

**Mr. J. Riddell (Huron):** Thank you, Mr. Speaker. A question of the Minister of the Environment: In light of the fact that Kelson Spring Products Ltd., situated at 108 Brandon Ave., Toronto, has not implemented any corrective steps to control noise pollution problems, which the company was to have implemented for the approval of the ministry by Feb. 15, will the minister now impose a control order on this plant to alleviate the excessive noise problem which is of major concern to all of the residents of the area?

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, as far as this particular plant is concerned, we have been working very closely with them. There is a noise problem there, but I must say that I worked very closely with the member for the riding in which it is located, the member for Dovercourt (Mr. G. Nixon), and have discussed this matter at some length with him. We are trying to work out a satisfactory solution so that we don't put people out of work, and also do something about the noise problem they are faced with there.

**Mr. Riddell:** Supplementary: Is he aware that the noise pollution control section of his ministry, in a letter to the ratepayers' association, suggested that legal action be taken against this company; and is he prepared at this time to take legal action?

**Hon. W. Newman:** Mr. Speaker, I am prepared to do nothing against the company until I have had a chance to fully review the situation personally.

**Mr. Speaker:** The member for Cochrane South.

## TIMMINS BYPASS

**Mr. Ferrier:** Mr. Speaker, I have a question of the Minister of Transportation and Communications. Is he in a position to report whether his officials have met with the city council of Timmins concerning the development of a perimeter road from Highway 101 west, north of Timmins; and is he in a position to say whether a commitment can be made to go ahead with that road some time this summer?

**Hon. Mr. Rhodes:** Mr. Speaker, the recent Timmins planning study recommended that although the need for a bypass may not be justified at this time, the route should be selected and the right of way reserved. That's our position at this time.

We have not had detailed discussions with the city of Timmins on this particular matter. One of the major problems is that the city of Timmins feels this is a provincial facility; as we look at it we are not sure, we feel it is more of a local facility at this time. We would like to sit down and discuss it in more detail with the municipal officials. I can't give you any commitment as to what will be done immediately for this year.

**Mr. Ferrier:** A supplementary: Is there any way the minister can suggest to the council that it would be most advantageous to sit down and try to plan this project now, in view of the large construction that will be under way in a major way this fall and during the next couple of years? The need for it is great and the planning must be done almost immediately.

**Hon. Mr. Rhodes:** I always hesitate to make suggestions to municipal councils, but we certainly will have our people contact the municipal staff and suggest that we should sit down and have further discussions on the overall road requirements in that immediate area, because the expanding industry up there, as the member well knows, is going to create a problem in moving traffic efficiently around the community. But we will certainly get in touch with them.

**Mr. Speaker:** The Provincial Secretary for Resources Development has the answer to a question asked previously.

#### BEEF CALF INCOME STABILIZATION PROGRAMME

**Hon. Mr. Grossman:** Mr. Speaker, on July 8 last the hon. member for Rainy River asked me a question in the absence of my colleague, the Minister of Agriculture and Food (Mr. Stewart) he asked:

In regard to agriculture and the beef cow-calf stabilization programme, is the minister aware of the petition signed by approximately 125 farmers in the Rainy River district which totally rejects the cow-calf stabilization programme . . .? Can he inform the House how many farmers have opted into the cow-calf programme and how many specifically from northern Ontario?

I am advised that the petition received from the Rainy River district stated that the producers were opposed to the stabilization programme. This petition was received before the meeting with the representatives of the beef industry. Upon inquiry of the representatives from the Rainy River district, they indicated they were not opposed to the principles of the stabilization programme but were opposed to the level of support. However, the

level of support had not been announced at that time, I am advised.

As far as the number of producers entering the programme is concerned, this figure is not available in the agricultural offices until after July 15. As mentioned at the time the programme was announced in the House, the registrations will not close until the end of August; therefore we will not know how many have registered until the programme closes at that time.

**Mr. Reid:** A supplementary: Is the minister aware that the farmers in the Rainy River district and across the province were informed at the meetings prior to the announcement of the programme that the subsidy figure would be set at 50 cents and that all of the farmers, to my knowledge, rejected that figure, including the one from Rainy River, and said that at least 70 cents would be a reasonable return on their time, money and investment in farming, and that that concern of theirs has not changed? Will he reconsider the 50 cents and make it 70 cents?

**Hon. Mr. Grossman:** Mr. Speaker, I am advised otherwise, as I have informed the member in my answer. If he wants to pursue this further, I strongly urge that he speak to the parliamentary assistant, who can go into further detail because he has been involved in these meetings.

**Mr. Reid:** He knows the situation?

**Mr. R. G. Eaton (Middlesex South):** Mr. Speaker, may I table the figures of the production costs used in the Ontario beef calf programme in arriving at the support levels asked about by the member for Scarborough West?

**Mr. Speaker:** The member for Nipissing.

#### NIPISSING HOMES FOR THE AGED

**Mr. R. S. Smith (Nipissing):** Mr. Speaker, I have a question of the Minister of Community and Social Services. Has the minister made the appointments necessary under the Feb. 5 regulations of the Homes for the Aged and Rest Homes Act, which calls for his two appointments to be made to the east Nipissing and the west Nipissing homes for the aged by April 1? He has had six months to make these appointments and obviously both those homes for the aged are operating irregularly outside the Act.

**Hon. R. Brunelle (Minister of Community and Social Services):** Mr. Speaker, I am

pleased to inform the hon. member that by recent orders in council those in west Nipissing have been appointed. I have written to the member but he probably hasn't received my letter yet. The others are under active consideration.

**Mr. Speaker:** Do you have a supplementary?

**Mr. R. S. Smith:** Just for clarification: I couldn't hear what the minister said about the east Nipissing, to which he didn't allude directly.

**Hon. Mr. Brunelle:** I said the appointments to the east home body are under active consideration.

**Mr. Speaker:** The member for Huron-Bruce.

#### EGG BOARD RESIGNATION

**Mr. M. Gaunt (Huron-Bruce):** Mr. Speaker, I have a question of the Provincial Secretary for Resources Development. Is the minister an expert on farm legislation? I am going to pose this question in any event.

**Mr. Roy:** He is not an expert on anything.

**Mr. Gaunt:** Can the minister clarify whether or not under provincial farm marketing legislation the use of funds raised through levies for payment of penalties would be illegal, which was really the point at issue which led to the resignation of an egg board member some two weeks ago, I think?

**Hon. Mr. Grossman:** Mr. Speaker, I will be glad to get that information for the hon. member.

**Mr. Speaker:** The member for Essex-Kent (Mr. Ruston).

**Mr. J. F. Foulds (Port Arthur):** Mr. Speaker—

**Mr. Speaker:** Oh yes; I'm sorry. The member for Port Arthur.

#### NON-RETURNABLE CONTAINERS

**Mr. Foulds:** A question of the Minister of the Environment: Has the minister yet received a report from the solid waste management advisory group with regard to a policy on non-returnable liquor and wine bottles? I think at the end of March he made a statement that he had referred the matter to them.

**Hon. W. Newman:** Mr. Speaker, the solid waste management advisory committee has

directed most of its attention to the soft drink industry. I made a statement to them on March 12, I think, and I gave them six months to come up with some answers. I asked them to look at the spirits and wine industry, too, but the other one had priority. I know they are doing some preliminary work on that at this point in time.

**Mr. Lewis:** Is the minister going to the party at Melody Farm tonight in celebration of the Pickering change? It has been announced.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

**Hon. W. Newman:** Don't worry.

**Mr. Lewis:** They are waiting for him.

**Mr. Speaker:** Order, please; the member for Rainy River.

**Mr. Reid** from the standing public accounts committee presented an interim report.

**Mr. Speaker:** Motions.

Introduction of bills.

#### TEACHERS' SUPERANNUATION AMENDMENT ACT

**Hon. Mr. Wells** moves first reading of bill intituled, An Act to amend The Teachers' Superannuation Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Wells:** Mr. Speaker, this bill contains a number of housekeeping and minor amendments to the Teachers' Superannuation Act.

#### DEVELOPMENT CORPORATIONS AMENDMENT ACT

**Hon. Mr. Rhodes,** on behalf of **Hon. Mr. Bennett,** moves first reading of bill intituled, An Act to amend the Development Corporations Act, 1973.

Motion agreed to; first reading of the bill.

**Hon. Mr. Rhodes:** Mr. Speaker, this bill provides the development corporations with the necessary authority to implement the industrial parks programme referred to by the Treasurer in both the 1975 budget and the supplementary actions statement.



## MUNICIPAL AMENDMENT ACT

Hon. Mr. McKeough moves first reading of bill intituled, An Act to amend the Municipal Act.

Motion agreed to; first reading of the bill.

Hon. Mr. McKeough: Mr. Speaker, this bill empowers a municipality that is acquiring or developing land for industrial purposes with the aid of a loan from one of the development corporations under the Development Corporations Act, 1973, to give security for the loan by way of mortgage or otherwise.

DOG LICENSING AND LIVE STOCK  
AND POULTRY PROTECTION  
AMENDMENT ACT

Hon. Mr. Winkler, on behalf of Hon. Mr. Stewart, moves first reading of bill intituled, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act.

Motion agreed to; first reading of the bill.

Hon. Mr. Winkler: Mr. Speaker, this amendment gives application to part II of the Act and is expanded to include fur-bearing animals.

Mr. Cassidy: And rabbits.

Hon. Mr. Winkler: And rabbits.

Mr. Speaker: Orders of the day.

HIGHWAY TRAFFIC  
AMENDMENT ACT

Hon. Mr. Rhodes moves second reading of Bill 129, An Act to amend the Highway Traffic Act.

Mr. Speaker: Does the minister have an opening statement? Does the member for Essex-Kent wish to speak on this bill?

Mr. R. F. Ruston (Essex-Kent): Mr. Speaker, Bill 129 contains amendments to cover the licensing of motor-assisted bicycles. I suppose that in the original amendment to allow these vehicles on the road they were exempted from having licences and so forth. Now that they have been selling for a few months and a number of people have been buying them, police in different municipalities are concerned as to their use without any controls. The minister is now bringing in this amendment to cover them under the Highway Traffic Act.

I suppose they are motor assisted, though sometimes one wonders with a few of them. Some that were brought in may have been pedal-assisted but they were more predominantly motor-oriented I would say. But when one looks at the majority of the ones that are on the market, Mr. Speaker, you start them by pedalling them until they go about four mph and then you turn on the gas. It's the same type of a mechanism as on a motor-cycle where you turn on the power as the fellow says; you turn on the gas and the motor takes off and carries you along.

As for the machines themselves, as far as I can see—I've driven them very little but have driven a number of different ones—I find that they are quite easy to handle. In my own interpretation, I would say that they are easier to handle and perhaps safer than a 10-speed bicycle. When one has a 10-speed bicycle one can get it going to about 25 miles an hour. The rider is sitting up in the air quite high, the way they sit; I'm not sure which end sits the highest. I don't find them all that comfortable. If one wants to stop pretty fast, I think one can go right over the handlebars without too much trouble by putting too much brake on the front wheel. With a moped, the way they're constructed with the motor very low in them, the gravity situation gives one better control because the weight is in the bottom, whatever weight there is. They run up to 110 lb. I find the majority of the weight is slung under the frame and they're quite easy to handle.

As far as I'm concerned, I think they are a means of transportation which many people are going to use as, probably over the next many years, we will see the price of gasoline rising and it will become scarcer. I was reading in an article today that we no longer produce enough gasoline in our country even for our own needs; and yet not many people thought this would happen five or 10 years ago. This, no doubt, will be a means of transportation which many people will find a good alternative to the automobile and other means as well.

With 150 miles to the gallon, I know some people are using them more for just pleasure riding but a great many people are using them for going back and forth to work. They would have disadvantages, of course, in the wintertime.

I believe the licensing of them is a good idea; I think they should have insurance if they're going to be on the road.

The only problem is the other legislation allowed people of 14 years of age to drive

them and a number of families went out and bought them on the assumption that their 14-year-old and their 15-year-old could drive them. Of course, with the new legislation they will no longer be allowed to use them on the road. That is a matter of concern to people who have purchased them because they have a fair-sized investment in them. What the alternative is to that, I'm not sure.

I can recall a couple of bills here with grandfather clauses which allowed the people who were already operating a certain business to continue without a licence. I don't know that we can do that but it is a matter of concern and I'm not sure whether the minister has any answer to it. Maybe he will have in his reply. But it's a concern he has heard of, too, I'm sure.

As far as it concerns the matter which is of great concern to some of the newspaper editorial writers—I must say I don't think the newspapers have any sole or major—I suppose to some extent they are a major thing in making policy known to the public but I don't think the editorial writers are necessarily endowed with a super philosophy or super knowledge over anyone else when they write an editorial and say we need helmets on them.

**Mr. M. Gaunt (Huron-Bruce):** They're endowed with wisdom from on high.

**Mr. Ruston:** The member for Huron-Bruce says they are endowed with wisdom from on high. I don't think so. They sometimes think they are but I don't have quite that high an opinion of the newspaper system. I have always said freedom of the press is the freedom to print what they want, that's my interpretation of freedom of the press. However, that's beside the point.

I think as long as the speed is within the range we have it here, 28 mph, depending on the size of them—I would say the majority are going to run at 20 to 27 miles an hour. There is an electric machine which is a little slower but it's quite an interesting machine to operate and look at. It might be quite handy for some people who don't want to be bothered with gasoline lying around in their garage; they can just plug it in and charge the battery up again. That's another one which will probably be on the market; they're just on the market now and one sees the odd one around.

I see the powers given to municipalities include being able to prohibit mopeds on portions of highways where the maximum speed limit is 50 mph or more. I'm not sure how this is going to operate. I can think of a

municipality which has secondary roads running through it. Is the minister saying the municipality can prohibit them on provincial highways in that municipality, yet that same highway system might go on into another one? I could see some problems there. I suppose it is similar to the things we found in the snowmobile committee when we were studying snowmobiles and all-terrain vehicles and their uses, that that was a bit of a problem. I am not sure how this is going to work out. Maybe the minister can explain it to me in his reply, but I can see some problems there with regard to this.

That is about all I have to say, Mr. Speaker. I think it is necessary that we have licensed people handling these vehicles. I would have no objection to people wearing helmets, in fact maybe they should be encouraged to wear them, but I really think if the minister is going to force them to wear a helmet it is on about the same basis as forcing a person on a 10-speed bicycle to wear a helmet. If he is going to do one, then I think he should do the other; otherwise I can't see that there is that much advantage in making one group wear them. Thank you.

**Mr. Speaker:** The hon. member for Sudbury.

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, it is quite evident here that we are dealing with a very difficult vehicle. It is neither fish nor fowl; it is not a bicycle and it is not a motorcycle. I suppose we have to forgive the minister for making the original error back in February when he went gung-ho down the trail and practically gave everybody free reign to go out and terrorize the community on his brand new moped. There was an age restriction of 14; you don't need insurance; you didn't need registration or helmets. All you had to prove, I think, was that you had the \$220 or whatever was necessary to go in and buy your moped and then go tearing around the country.

I suspected at that time that the reason for the haste was as a result of certain external pressure. The minister has assured me at various times that that was not the case. In fact, I did rise in the House during question period and put the question. This came about as a result of certain information I had received as a result of a telephone conversation from California. I attach certain credibility to that. People don't phone me from California unless they have a reason to do it.

Since that time, of course, I did raise the topic of certain pressure, maybe from the



Unity Bank or certain individuals, and suggested this was the reason for the hasty and inept legislation. The minister assured me at that time that at no time had anyone from outside the ministry brought any pressure to bear and he was not bowing to any pressures. I have no further evidence on that; it was just an interesting sidelight which came up at that time when the original legislation was brought in.

I am satisfied now with the minister's answer, as of last February, that he did bring in this legislation in such a fashion because he wasn't aware, I presume, of what he was doing. Even today we are not really sure where the moped is going to fit in as far as bicycles and motorcycles are concerned. We did have the opportunity a week and a half ago to test these machines. I saw the minister out in the front parking lot and he was terrorizing some of the pedestrians going around the Legislature.

**Mr. W. Ferrier (Cochrane South):** Is the minister going to give up his limousine for a moped?

**Mr. Germa:** I think we both agreed that these are quite exhilarating and exciting vehicles to drive, I think they will supply more recreation to the residents of Ontario than they will transportation at the present moment. There may be a point in time when gasoline gets to \$2 a gallon—which it undoubtedly will, given the past performance of this government; this government has no intention of intervening in the marketplace as far as it relates to the price of gasoline except for a miserable temporary 90-day injunction. After that, the people of Ontario might have to go to mopeds if they want to go anywhere. So we have to deal with them.

I have had limited experience on mopeds, as everyone else has, and I think they are here to stay. I look forward to the experience we are going to gain as a result of discussing the present legislation we are dealing with. When we are talking about a vehicle that doesn't give any protection to the operator we constantly think of supplying some sort of legislation which will protect him from himself. There are two theories of thought as it relates to legislation forcing people to wear protective devices such as a crash helmet. We know that in Ontario it is necessary and mandatory for a person on a motorcycle to wear a hardhat. This met with certain resistance when it was first instituted, but now it seems to be generally acceptable.

We have now to consider whether we should make it mandatory for people on mo-

peds to wear protective apparel on their heads. At this particular point in time I'm not really sure which way we should go on this. We have already had a couple of deaths as a result of mopeds. In one death, just a couple of weeks ago, I understand the person could have been saved had he or she been wearing a crash helmet.

Then one has to look at the other side of the coin? An equally fast vehicle, such as a 10-speed bicycle, to my mind could cause a person to fall just as severely, or to collide just as severely with a pole or with another vehicle. Yet I don't see any pressure by the public to demand that we wear crash helmets on 10-speed bikes.

As far as helmets are concerned, I hate to equivocate. It's usually nice to have a clear position. It makes you sleep better at night. But I would tend to wait for a little experience as far as the moped is concerned. The definition of a moped is that for most it is, first, a bicycle and, secondly it is a motor-assisted bicycle: I think that's the weakness in the legislation. I would rather criticize the definition of the moped than try to pass legislation to deal with problems the moped brings upon us.

I know the minister will agree with me, because I saw him struggling with some of these vehicles. These vehicles, in fact, are not bicycles. In fact, most of them are not bicycles in the true sense that they are a free-wheeling light vehicle that you can propel by muscle power for any considerable distance. You can go almost all day on an ordinary bicycle, because it is a light-weight, easily propelled vehicle, whereas, because it has a certain weight factor of having to carry an engine, with the moped it is necessary to increase the size of the wheels and the weight of the frame. You end up with a considerably heavier vehicle than you do with the standard bike.

I presume that the manufacturer has to do that. I'm not an engineer, but I suspect that they have overbuilt the moped. If the engine size were curtailed, then, of course, they wouldn't have to put such heavy framing and heavy chassis on these things, and then they would be readily pedalled by muscle power. The whole gear train, the ratios between the pedals and the wheels, are such that you couldn't go more than three or four blocks by muscle power without being exhausted.

To all intents and purposes, we are now talking about a motor-assisted vehicle with auxiliary power supplied by muscle. I think the minister has to agree with me on that—



except in the case of one particular manufacturer who has devised a method of removing the engine totally from contact with the wheels or the pedals. That is my idea of what a moped is all about. That one particular vehicle has the power assist on the front end and is lifted from the wheel by a leverage. That vehicle can be pedalled quite readily. It seems not to have such a heavy and cumbersome frame. I could envisage that vehicle being pedalled equally as far as any ordinary bicycle. So I think we have to watch this very closely.

I'm a little disappointed in the definition given. The minister allowed a vehicle with a weight of 120 lb. I think he could have tightened up on the regulations a little bit as far as this is concerned. A 120-lb bicycle is quite a heavy weight to carry, when we know that it is possible to build a racing bicycle which can weigh as little as 12 lb. Of course, this is a \$4,000 or \$5,000 racing bike—the ultimate in bicycles. Somewhere between 12 lb and 120 lb is the limitation we have. While I know we will never build a bike for common use at 12 lb, I think the 120-lb maximum which the minister has placed on these is giving them a little bit too much leeway and they are going to become more and more cumbersome.

The vehicles that we tested in front of the Legislature were something under 100 lb. They were running about 100 lb and yet there is another 20 lb they can go. We can be sure they are going to lavish more luxury items on to these things and come up to the maximum limitations. I wish the minister would take another look at that and pare down the maximum weight so that these things will not become too heavy to be propelled by muscle power. I think that is the only way we are going to protect ourselves from these things becoming totally and absolutely power operated.

Regarding insurance, I presume we need that for the protection of the public, given that the weight is such, and yet it defies logic. A person on a 10-speed bicycle could probably do equal damage, since we know that 10-speed bikes have been clocked as high as 60 mph. A 10-speed bike at 60 mph could probably do as much damage to a pedestrian as a moped at 30, which is the maximum speed that a moped is going to attain. I would ask the minister to explain the logic, as he sees it, in demanding that there be insurance on a vehicle with a maximum speed of 30 mph while he doesn't seem to think that a vehicle capable of 60 mph should have the same protection.

I think it is logical to raise the age factor to 16, given the weight of the bikes. Some children of 14 would just be a little too light to handle some of these vehicles, plus the intricacies of operating them. Even though they are all operated by hand controls, it does take a certain amount of understanding and aptitude to control the vehicle. The braking system and the acceleration system are hand operated and a person's hands are busy all right when he is driving one of these things, even though his feet are not doing very much while he is coasting along.

Registration is also provided for. I think there is nothing too much wrong with that. We do register even common, ordinary bicycles, of course, at the municipal level. I am not sure whether the minister envisages that or not, or is it going to be a provincial registration? I presume it's going to be provincial.

The next point is the allowance given to municipalities to prohibit mopeds on highways with speed limits over 50 mph. I am not aware that there is presently any regulation in any municipality which prohibits a bicycle on a 50-mph road. Why would the minister assume that if an ordinary bicycle can go on such a highway, a moped couldn't? I cannot see the difference. I know that he is prohibiting them from four-lane controlled access highways, and I agree with that implicitly, but I am not sure what he is planning to do on a provincial 60-mph highway. Is he envisaging that they are not going to go on our standard highway system when he allows a municipality to prohibit them in a speed zone over 50? I look forward to the minister's reply and I think, based on his reply, we'll indicate any action that we might want to take or any amendments that we might want to put after I hear the minister. With that, thank you, Mr. Speaker.

**Mr. Speaker:** The hon. member for Hamilton East.

**Mr. R. Gisborn (Hamilton East):** Thank you, Mr. Speaker. I can agree with what has been said by my colleague from Sudbury. We haven't had the experience yet to deal in depth with this innovation. But I am concerned about this entire area, and maybe the minister will try to answer some of my concerns. They apply not only to the innovation of the so-called moped motorized bicycle. I also remember the concerns we had in dealing with snowmobiles when they were first put on the roads and on the fields of private properties in Ontario. We had to go through the same kind of concerns by setting up a

select committee to investigate their safety and the licensing and so on.

I am not aware of the Patent Act covering inventions and that sort of thing, but it would seem to me that when a manufacturer or an individual decides to design a vehicle which is going to be used on our highways and public and private property, maybe we should have some legislation or some way that these things could be brought to the attention of the government, and it could prepare for them going into use.

One example was given today by the member for Essex-Kent, who pointed out that changing the age limit to 16 is an inconvenience for parents who have already purchased mopeds for children under 16. They must now either keep the machine in storage until the child is old enough to use it, or sell it.

Would the minister explain why there is no legislation or procedure requiring designers, inventors and manufacturers to submit designs for this kind of a gadget—if it can be called that—before they go on our roads and we are faced with dealing with emergency legislation.

I think this is sort of an emergency piece of legislation, because of the sudden emergence of the motorized bike and the accidents that have already occurred—even two deaths, I believe, in the last two or three weeks.

This is my concern about these changes in our society. I remember that when the so-called three-wheeled motor cart was developed in Europe a few years ago. It caused quite an uproar in the heavy street traffic of European countries and they had to have emergency legislation brought in to control them; and they had to confine them to certain districts. It seems to me that some of these things should be dealt with prior to the designing and the manufacturing of new transportation units.

**Mr. Speaker:** The hon. member for Scarborough West.

**Mr. S. Lewis (Scarborough West):** Mr. Speaker, I just want to take a very few minutes to share a concern with the minister, to which I am sure he will respond in his reply.

I will confess to him at the outset that I am not as familiar with such legislation as others are in the House; I don't know as much about the subject matter. I once spent many months of my life travelling about the UK on a scooter; but beyond that I am not given to motorcycles or motor-assisted bicycles—they frighten me more than they in-

duce me to use them. However, there is much that is of value in the legislation, and obviously it was required; that we are happy to approve.

I am very concerned, and I think some of my colleagues are concerned—although there are some who are a little ambivalent—about the need to have helmets worn on mopeds. I think in a sense that it is the central point at issue in this legislative debate. I suppose it's one of those horrible ironies that occurs from time to time. No sooner is the legislation announced and introduced, then there are two fatalities. One was clearly a matter of head injuries and, God knows, might have been avoided had a helmet been worn.

On the face of it, I suppose one of the logical inconsistencies appears to be that we don't by law require bicycle pedallers to wear helmets. In the case of many bicycles, particularly 10-speed bicycles, obviously it is possible to achieve speeds in excess of even 30 miles an hour, but for them we don't make the wearing of helmets a requirement.

From my own experience—and I've been quite fascinated with the phenomenon of mopeds—as I drive back and forth from my constituency each day, I have noticed that on the corner of Victoria Park and Danforth, in the Shoppers' World shopping centre, there is a huge moped outlet with an actual test track apparatus. It has seemed to me, as I've watched the mopeds there and on the streets as I drive, that everybody tries to reach the maximum acceleration and that most of them in fact do travel at the 30-mph limit if they can, whereas bicycle pedallers tend not to travel at those speeds for any sustained length of time.

It seems to me that once we have put on the road a machine whose capacity and inclination, both in human and engineering terms, is to achieve a speed of 30 mph, we should require a helmet to be worn by law. It is terribly important. It's not terribly important merely in terms of the prevention of fatalities; it may be even more important in terms of what might have been an inconsequential accident with a helmet turning into a very serious accident without one. In other words, there are measures of injury. One need not only speak in terms of fatalities.

I think all of the experience of helmets on motorcycles, all of the statistical documentation I've ever seen and all the stories I've ever heard, suggest to me that we would appreciably cut down the injury level if we were to require the wearing of helmets.



No more than others do I wish to impose on civil liberties to insist that people are required to wear such and such, be it seat-belts or helmets, as a matter of public and personal safety. But it seems to me that it would be a matter of folly to pass the bill without such a provision; it seems to me that it would be in the interest of public safety to pass a bill with such a provision.

Yes, it is an additional cost. Yes, it might deter some people from driving mopeds. Yes, it might set a precedent for this particular kind of vehicle. But on the face of it, and I dare say on the basis of hospital experience alone with those who have had moped injuries, I think it is desirable and important that some form of helmet protection be made a legal requirement. I urge the minister to amend the legislation to incorporate it or to give it continuing consideration as this debate progresses.

It seems to me that to oppose such an inclusion is almost of kind of facile interpretation of the way society works or the way in which people behave. It's just a little too easy. It's just a little too superficial. It's just a little too indifferent to the consequences which are now a matter of record. I would prefer to make helmets mandatory in advance, rather than to have further injuries and fatalities and come rushing in with an amendment in the wake of public protest and public pressure.

I don't think I have anything other useful to contribute—if that was—in the course of the debate on the bill, because my colleagues will have covered it. Frankly, that's the point which has worried me greatly as I watch these mopeds hurtling along—that's the way they appear as one drives in the laborious government machine I use that inches its way through traffic as the mopeds speed by at 30 mph—

**Mr. M. Cassidy** (Ottawa Centre): He would accept the moped, but it won't carry passengers.

**Hon. Mr. Rhodes** (Minister of Transportation and Communications): No.

**Mr. Lewis**: But for public protection—indeed, if the minister makes helmets mandatory, I will use a moped. It will save the government a lot of money.

**Hon. Mr. Rhodes**: The member is free to wear a helmet any time.

**Mr. Speaker**: The hon. member for Huron-Bruce.

**Mr. Gaunt**: Mr. Speaker, I just want to say some words about this particular legisla-

tion. I think it's necessary legislation in view of the increasing popularity of these vehicles.

If the experience in Europe and in Asia is any indication, these vehicles will become even more popular in the years to come on this continent. I think in Europe they have become very popular, particularly in France. I understand in France one out of four commuters uses a moped, which is a rather unusual and perhaps significant statistic. I believe there are some 20 million of these vehicles throughout the world now, so their use is obviously a factor in transportation.

**Hon. Mr. Rhodes**: There are 20,000 in Ontario.

**Mr. Lewis**: Twenty thousand in Ontario?

**Mr. Gaunt**: Twenty thousand in Ontario? Already? I think that is just an indication of the kind of popularity these vehicles enjoy. So I repeat, I think this legislation is necessary under those conditions.

I share the concern expressed by the member for Scarborough West with respect to helmets. I understand the arguments pro and con, but as a personal view I feel people should be required to wear helmets on these vehicles.

The other section of this bill that worries me is the matter of weight; the 120 lb. What we are talking about here is not a motor-assisted bicycle, it's a motor-assisted motorcycle. I think the 120 lb is far too heavy.

As I understand it, most of these vehicles at present run in the range of 70 to 85 lb, and it seems to me that with the stipulation in this particular bill that these vehicles should not weigh over 120 lb the maximum then becomes the minimum. Most of these vehicles, in their manufacture, will then come up fairly close to the 120 lb rather than maintaining their current manufacturing weight which, as I say, is between 70 and 85 lb.

I think the minister should rethink that one. I really feel that at 120 lb these vehicles are far too heavy for the kind of purpose and for the current utilization that they enjoy. I hope the minister will change that.

Other than that, Mr. Speaker, I don't think I have any further comments on the bill other than to subscribe to a number of comments which have already been made in connection with it. I say again that I hope the minister will reconsider the weight of these vehicles, because I think it is very important.

What we have here is a vehicle that should be separate and distinct from a motorcycle. What the minister is doing in this bill is blending the two vehicles; making the two



vehicles in many respects somewhat similar, certainly in terms of size. I realize many of the bigger motorcycles are much heavier than this, but a lot of the smaller ones, while they are heavier, are not that much heavier than 120 lb. I think that mopeds should be a separate and distinct kind of vehicle and mode of transportation, and the way the minister has it here I don't think that will happen.

**Mr. Speaker:** The member for Ottawa Centre.

**Mr. Cassidy:** Mr. Speaker, I don't know whether one can persuade the minister during the course of this debate, but I would like to make a serious contribution to the debate on the matter of helmets and ask him to consider it as seriously as it is offered. Before I do that, I have one other point that he might possibly comment on in his reply on second reading.

I know that when the bill was introduced he made some reference to how the insurance arrangements would work for moped owners. I think the House should get an elaboration on that, now that he has been able to pursue his inquiries. If we find that insurance is going to cost \$100 or \$150 a year for moped owners, then clearly the intention of developing this as a cheap, accessible means of transport will have been thwarted by the private insurance industry. I also wonder whether the provisions of the unsatisfied judgment fund are quite the proper way to proceed or whether the insurance should not be made compulsory, but then government action taken to ensure it is available at a reasonable price.

I want now to talk about helmets; and to begin by making some apologies to the very effective group of lobbyists from grade 8 in Glashan School in my riding, with whom I talked for about an hour about mopeds when I was in to see them two or three weeks ago. These were kids aged about 14 or so who were most concerned about the fact that the age was to be raised to 16; the rumours were out at that time. I expressed my regret to them that I don't disagree with that particular intention in the bill.

I am an ex-motorcyclist. I think I rode a moped at the age of 14; I had a motorscooter at the age of 15 and I had a motorcycle at the age of 17.

**Mr. A. J. Roy (Ottawa East):** Did the member have an accident without wearing a helmet?

**Hon. Mr. Rhodes:** He walked into that one; I could see it coming.

**Mr. Cassidy:** Too bad.

**Mr. Ruston:** He did a lot of damage.

**Mr. Cassidy:** I eventually had a couple; they were off the road so often that I couldn't be much of a menace.

I also had a couple of motorscooters which I rode for many years quite happily when I lived in England.

I can tell you, Mr. Speaker, that the urge when you get these things, particularly for kids, is to get the most power possible out of them. If it is a 119 lb machine with a 50-cc engine then there is going to be a strong incentive for young people with a mechanical bent to bore the chamber a bit more and make the other necessary arrangements so that even without a gear shift they can get 35 or 40 mph out of it, despite the fact the machine is certified at the time it is delivered.

Secondly, having ridden these machines long distances along highways neck and neck with somebody on a flimsy 45 lb 50-cc motorcycle, going at breakneck speed of 60 or 70 mph there is also, as the member for Scarborough West said, a great incentive to drive the machine to the limit of its power.

In other words, the fact that a 10-speed bicycle is capable of speeds equal to or greater than those of motor-assisted bicycle doesn't really represent what is going to happen most of the time. Most of the time a moped is going to be travelling at 25 or 30 or 29.9 mph. Most of the time, Mr. Speaker, a 10-speed bicycle will be travelling in the speed range of between 10 and 15 or 10 and 18 mph. Anybody who is a cyclist knows that unless one is really in good physical shape it is extremely difficult to keep above 15 or 16 mph on a sustained kind of basis. I can do about 12 mph; somebody who is younger can probably average about 15 or 16; but to keep up at 20 mph for more than a short spurt is pretty tough.

The consequence is that we are not talking about a vehicle which is in the same category as a 10-speed bicycle. Most of the time this vehicle is a vehicle which will be driven around 25 miles an hour, which is about double the average speed of a 10-speed bicycle. It is a vehicle, as the minister knows, which is being introduced to Ontario now for the first time. Although it has been available, I am sure, for many years, it is being marketed now and is reaching a market acceptance because of the energy crisis and so on.

The minister should be aware that at the time the legislation was brought in to make

helmets compulsory for motorcyclists, there was great resistance. Civil rights resistance people were saying: "Why should you tell me what I should do? It just doesn't work . . . It is not feasible . . . It will muss up my hair . . . We will lose the helmets . . . The helmets will be stolen," and so on. The minister knows however from his own personal observations—he drives up and down the highways and roads of the province—that it is extraordinarily rare these days to see a motorcyclist riding his bike without wearing a helmet. The degree of compliance with that law is extraordinarily high; far higher, for example, than the degree of compliance with compulsory seatbelt laws in jurisdictions where seatbelts are compulsory.

**Hon. Mr. Rhodes:** It's pretty obvious if the rider hasn't got it on.

**Mr. Cassidy:** It's pretty obvious, but all the same the police have other jobs to do and surely the reason motorcyclists do wear their helmets is that fundamentally they agree with it. I am going to move a motion later today for an amendment to the Act, which would ensure that motor-assisted bicyclists—people riding the mopeds—will have to wear helmets.

It seems to me the minister ought to consider the nature of the helmet required for a moped rider and whether that might or might not differ from the nature of the helmet required for a motorcyclist. I want to put this quite seriously because the one really strong objection the minister seemed able to come up with, in not agreeing to helmets when these amendments came forward, was the few pretty girls who came to him and said, "Look, it is going to muss up our hair if we have to wear helmets."

The fact is that physically the helmet standard required for motorbikes has to be a standard which will protect the skull in accidents at 60, 70 or even 100 miles an hour because, let's face it, motorcycles are driven up to that speed and even over the ton, as they call it. There's enough freedom on our highways for that still to be done. I don't know what the standard calls for but I am sure that at legal speed limits of 70 miles an hour, that helmet has to withstand direct damage to the skull; whether it protects the neck or not at least it has to withstand damage to the skull in the case of a collision.

A moped is designed for no more than 30 miles an hour and the headgear required to protect the head from injury at 30 miles an hour is probably only a quarter as heavy and a quarter as structurally strong. The faster

one goes, one's need for protection doubles and redoubles with every 10 mile per hour increase in speed. It should therefore be possible for the standards people in the ministry to certify helmets for use only on mopeds which would be of lighter construction and more convenient, more easily carried up to the office or to the university class or whatever, and easier on the hair in the case of women moped drivers than the rather big and elaborate motorbike helmets which are now in use and, which meet the standards.

Certainly the civil liberties argument is not a cogent one because, as far as helmets for motorcyclists are concerned, it is clear they are accepted. Nobody objects now. The ministry staff was saying that when the objections came in at the time of the introduction of that amendment, people said, "Of course, I won't stop wearing a helmet but you are still infringing on the civil liberties of motorcyclists generally by making the wearing of helmets mandatory."

I would like to talk a bit about who uses mopeds, again in relation to this argument about whether or not helmets should be mandatory. There seem to be two or three groups of people for whom it's particularly useful. One is in our large urban areas for people who might otherwise need a second car, for students who are going to a community college or university a fair distance away, where the transportation is difficult; for a wife or husband, who have two jobs and the transportation is difficult and who would otherwise need a second car to get to work. That's one use.

Another use is for people who want personal transportation but simply can't afford an automobile. On my street in Ottawa which contains a number of rooming houses there are one or two older people living in the rooming houses on small incomes who have bought mopeds as means of personal transportation. In the country a moped is catching on very quickly, where there is no public transportation to speak of, for the person who has a farm six or seven miles from town; for the farm hand; for the teenage son or daughter who can't get access to the family truck because it's needed for work around the farm, and for the rural resident who is working out and needs some cheap means of commuting.

Finally, mopeds are getting adopted by teenagers: 14- and 15-year-olds are excluded now, but even 16- and 17-year olds are not necessarily completely adult and responsible. Certainly I wasn't at that particular age.



I think parents have always got a difficult time when their kid comes to them and says, "Look, I want to buy a motorcycle," and he points to a 350-cc Kawasaki capable of doing wheelies and 100 miles an hour. Here's a 16-year-old who hasn't quite demonstrated completely to his or her parents that he or she is responsible, and the parents go a bit ape. If the compromise in the family is that the kid gets a moped, it would help a lot if that parent was also assured that he had the backing of law that a helmet be worn. At that point there would be no question whatsoever.

I suggest too, because mopeds effectively are new in Ontario, and since helmets of the standard I'm suggesting will cost \$25 to \$35, or about eight per cent to 10 per cent of the cost of a moped on the market right now, that most people buying a new moped will simply buy a new helmet at the same time. It will simply be added to the cost when they're calculating whether or not they want to buy it.

In addition, if we act now, while mopeds are in their infancy in the province, then the helmet simply will be accepted. If you buy a moped, you buy a helmet and wear it. If your hairdo is too fancy, either you don't buy a moped and you get your boyfriend to drive you around when you're all dolled up or else you change your hairstyle. Certainly female motorcyclists have made those decisions, and it could be done with mopeds as well.

Finally, for older riders, who represent a problem we really haven't come to grips with—we've had one death in that category already—it would help if we simply didn't have salesmen saying, "Oh, you don't need a helmet because it's so safe," but rather, when they bought a vehicle with which they're quite unfamiliar—remember that, because they haven't had motorcycles and they haven't been riding bicycles and so on—that they simply accept as given that if you buy a moped in Ontario you also buy and wear the helmet.

It seems to me that there are so many good reasons for this that the argument that it's got to be just like a motorcycle helmet does not wash. We can ensure that there are distinguishing marks on a moped helmet to ensure that it's not used by a motorcyclist on a more powerful machine. I think that people will pretty quickly learn the distinction. In fact, the two kinds of helmets might look different.

The minister is in a situation right now where, by acting and agreeing to the kind of

amendment we suggest, the saving may be two lives, 10 lives or 25 lives—we don't really know—in the course of a year. He may be saving the taxpayers half a million dollars in hospital costs, or perhaps \$5 million, by ensuring that moped drivers wear helmets.

There are really no significant costs entailed in this. It's not an excessive cost to the owner or the rider who's going to be using that helmet for several years at a cost, therefore, of a few dollars a year. It's not an excessive handicap to the people selling these machines. There are no disbenefits that one can see, apart from the objections of some of the pretty women who have been in touch with the minister, and the benefits are very substantial, we would suggest.

**Hon. Mr. Rhodes:** Those pretty women were in touch with me on business dealing with mopeds.

**Mr. Cassidy:** Oh, yes. That's fine.

**Hon. Mr. Rhodes:** I just want that on the record.

**Mr. Cassidy:** I recognize too, for the record, that the minister was not swayed by the fact that they were either pretty or female.

**Mr. Roy:** The minister doesn't expect them to be in touch with him for any other purpose, does he?

**Hon. Mr. Rhodes:** Most of them are busy with the member for Ottawa East.

**Mr. Roy:** The minister has got to be kidding himself.

**Mr. Cassidy:** Mr. Speaker, I would point out that according to the limited research I've been able to do, mopeds in the United States are still considered as motorcycles and almost all of the states, oddly enough with the exception of California and Illinois, therefore make moped riders wear helmets compulsorily. European jurisdictions have had experience with mopeds for about 20 or 25 years, and a number of those have made moped riders wear helmets.

This is a case where some kind of a research paper, prepared by the ministry staff, about what happens and what's been the experience with mopeds in European jurisdictions, where they've been common for so long, would be a very useful guide to the debate in this particular chamber. But all the same, the minister might comment on that experience. The fact that a number of European jurisdictions do make the helmet compulsory should be of interest here in Ontario.



I would like to make one final distinction, because it may be that this is another way that we can distinguish between vehicles that don't require helmets and vehicles that do. As the minister knows, there are basically two classes of mopeds on the market. One has the little putt-putt motor which is over the front wheel of the moped, the Velosolex variety, and—if I could just have the minister's attention: There are two kinds of mopeds. One kind has the engine over the front wheel and a revolving kind of thing that makes the front wheel go round, and that really is a motor-assisted bicycle. With the motor working on its own, we can't get more than about 10 or 12 mph. That is the kind commonly found in France and it is very slow.

The other kind has the motor slung where a motorcycle engine is slung, driving the back wheel through a chain. These are the ones that are capable of 25 or 35 mph. It may be that the minister, if he is way about compelling all moped owners to wear helmets, might want to distinguish between the front engine variety and the rear engine variety, or between the variety that goes less than 20 mph and the variety that goes up to 30 mph.

If he can have a certificate to say that certain vehicles are capable of no more than 30 mph, it is possible to certificate those that are capable of no more than 15 mph. And since there are only one or two kinds and they are physically distinguishable, it might be possible to require that those that can't go more than 15 or 18 mph would be exempt from helmet regulations but those that can go faster and will commonly travel 25 or 30 mph would require that the operators wear helmets.

I am making a number of suggestions to the minister. I would appreciate it if he explored this in the debate, because we are seriously concerned about the deaths and injuries that have taken place and inevitably will take place, about the hospital costs that the minister is going to have to find, and which will be taken away from other health care, if we don't insist that helmets be worn by these moped operators, and we think that a reasonable kind of regulation can come in. It doesn't require as tough a helmet standard as that required for motorcycles, and therefore the helmets can be lighter and cheaper and still do an effective job in protecting people's lives.

**Mr. Speaker:** The hon. member for Ottawa East.

**Mr. Roy:** Mr. Speaker, I just want to make one or two brief comments on this moped legislation.

First of all, regarding the definition of "motor vehicle," I would like to pose a question to the minister: Why is a motorized snow vehicle not considered a vehicle under this Act?

**Hon. Mr. Rhodes:** It has its own Act—the Motorized Snow Vehicle Act.

**Mr. Roy:** Well let me pose another question to the minister, dealing with this: If a motorized snow vehicle is involved in an accident with a pedestrian, is the onus on the motorized snow vehicle operator, like it is for other motor vehicles? That is the reason I want an amendment in this Act, because that problem has been discussed for some time and I don't think it is clear in my own mind or in the minds of certain legal people whether it is covered. The minister can see the importance of it. If a pedestrian is involved in an accident with a motor vehicle—and we have the whole definition of motor vehicle, including a moped, in this case—the onus then shifts to the operator of the motor vehicle to prove that he was not negligent. I have heard of instances where motorized snow vehicles have been involved in accidents with pedestrians and some people have given the opinion that the onus doesn't shift. But I am not clear whether it is covered under the other Act.

**Hon. Mr. Rhodes:** Never during the summer.

**Mr. Roy:** The minister is right; never during the summer. Although I don't know—the way those fellows are bouncing around and bringing out policies we are liable to see them operating one of those motorized snow vehicles across the front lawn of Queen's Park.

**Hon. Mr. Rhodes:** The member will see me operating one in the summertime the day he becomes the Attorney General.

**Mr. Roy:** What's that?

**Mr. Speaker:** Order, please. The minister can answer the hon. member later.

**Mr. Roy:** Yes, he can. I think you should bring him to order unless he makes some intelligent remark.

**Hon. Mr. Rhodes:** I think you should get him back on the point, Mr. Speaker.

**Mr. Roy:** Another thing which I've always found interesting in looking at the definition of motor vehicles is that we keep calling farm tractors self-propelled implements of husbandry.

**Mr. Gaunt:** Just SPIH.

**Hon. Mr. Rhodes:** Mr. Speaker, on a point of order. Can I respectfully ask the hon. member to deal with mopeds and not tractors, snowmobiles and whatever else he's been talking about?

**Mr. Roy:** It's in the bill. I'm making a point, Mr. Speaker. My colleague never got higher—

**Hon. Mr. Rhodes:** I wonder if he has the right bill?

**Mr. Roy:**—than being a police officer so he wouldn't understand the legislation.

**Mr. Speaker:** Order, please. I wonder if the member would confine himself to the bill before us, please?

**Mr. Roy:** Yes. What I'm saying to him is when amendments are brought in—

**Mr. Cassidy:** He wants the women's bureau to look at all this husbandry.

**Mr. Roy:**—involving a number of things including the definition of a motorized snow vehicle, it's open for me to speak about any aspect of this legislation, including the definition. That's exactly what I'm doing. I'm pointing out certain things to my friend—

**Hon. Mr. Rhodes:** Mr. Speaker, on a point of privilege.

**Mr. Speaker:** Order, please. A point of—will you sit down, please? On a point of order.

**Hon. Mr. Rhodes:** I have a point of privilege. I believe I understood the hon. member to make some sort of disparaging remarks about the fact that I never got higher than a police officer. I would like the hon. member to indicate here, in this House, if he feels that as a result of not getting higher than a policeman, I'm not competent in my job. Is he casting disparaging remarks on every police officer in this province because, with respect, sir, I have met a great many educated idiots?

**Mr. Roy:** Mr. Speaker, if my friend feels he fits in that category of educated idiots he can fit into it. I meant no disparaging remark toward police officers at all, in fact, even to-

ward him. Even though, in my opinion, he has limited capacity, I sort of like him.

**Mr. Speaker:** Order, please.

**Mr. Roy:** I have nothing against my colleague at all, nor against police officers. I work with police officers every day. I made a comment about his legal training when he was making objections to legislation which I was talking about and trying to be kind to him. I had no intention of making disparaging remarks about police officers at all.

To get back to the bill, Mr. Speaker, and dealing with the main item of the bill, the fact that the minister has seen fit not to require the wearing of helmets, I think it should be emphasized, as it has been emphasized by a number of other members and as I personally feel, that is not adequate.

It seems to me, when we look at one of these vehicles, consider the speed they can travel and the lack of protection on one of these motorized vehicles, as we might call them, we should require helmets. If we're going to be prudent—if we're going to go too far we should go too far in the area of prudence rather than be in the position of finding there are so many accidents, we have to bring it in after people have purchased and there are many mopeds sold. I think it would be easier now when we see the introduction of these vehicles in this province.

I want to bring to the minister's attention that his comments at the time of bringing in the legislation did not do justice to his legislation. He said at that time and he was quoted in a number of newspapers—he was quoted in *Hansard*, in fact—that most of the complaints—or a lot of the complaints—had come from women who said they didn't want to wear helmets. He is shaking his head but I say, Mr. Speaker, unfortunately that was the point which was brought across.

It seems to us that important legislation such as this, which is setting the pace and setting a precedent in this province, should have more depth than that. It seems to me, considering the use of these mopeds in many countries—it has been mentioned by some of my colleagues how much use has been made of them across Europe—that the minister should be in a position to furnish us statistics justifying his decision, not giving a justification for the decision based on certain complaints from certain individuals in this province.

I say to him that when we are trying to encourage safety on our highways; when



we're trying to encourage people to drive vehicles safely; when we have established legislation forcing motorcycle drivers to wear helmets; it seems to me when we have vehicles like these travelling at this speed, we should encourage the drivers, or young people, at an early age to take safety precautions and wear helmets.

It is ironic that from the time the legislation was introduced we unfortunately have had some mishaps involving mopeds. We've had some people killed. That is not to say whether the helmet would have saved them or not, but the fact remains that we do know when we take protective measures, be it seatbelts in motor vehicles, helmets or otherwise, we do cut down the rate of injury and we cut down the rate of death. I think that is an important point and that should be made and emphasized to the minister.

The argument for civil rights or individual liberties is not an argument we should have. We have all sorts of controls on motor vehicles now. We have all sorts of controls on motorcycle drivers. That is not an aspect. First of all, Mr. Speaker, we have the aspect of injury. We have the aspect of death. And then we have the aspect of cost as well.

The Minister of Health (Mr. Miller) has said that motor vehicle accidents costs this province \$1 million a day. One of the reasons that we are having problems in health and one of the reasons that the federal government, for instance, has been forced to impose some form of control is that health costs are escalating. We have a situation where we must emphasize deterrents and where we must emphasize preventive medicine.

I find it ironic, Mr. Speaker, that this minister talked about introducing seatbelt legislation. It was mentioned in the Throne Speech. And we had expectations that he would introduce legislation, but he has backed off. Here we have another similar situation. On the one hand the Minister of Health is crying about health costs and on the other hand we have another minister who could be doing something about it—never mind the injuries and the deaths caused, but just the health costs—and he is not accepting his responsibility, I say, Mr. Speaker.

I have a quote here from the Ottawa Citizen, dated Friday, June 27, 1975, where the director of the Ottawa Civic Hospital made some comments on mopeds. The paper said:

The increasing number of moped drivers on Ottawa streets is giving the Civic Hospital headaches. Dr. Goldwin Smith,

president of the medical staff, said Thursday that the neurosurgical staff of the hospital has been complaining about the number of beds being occupied by moped drivers who have sustained concussions in accidents.

Dr. Smith said the hospital emergency department has only just begun keeping track of the number of moped accident victims. But he added that neurosurgeons have told him the practice of keeping concussion cases under observation for a few days is reducing the number of active treatment beds available. "It could be a serious problem," Dr. Smith said.

I don't know if the minister has been in touch with the Ottawa Civic Hospital. He indicates that he has.

I say to the minister that it seems to me that it is not for institutions such as hospitals, and the Motor League to be keeping statistics. In other words, it's fine to keep statistics but the onus is not on them to accept the responsibility. It seems to me that if the minister can save people from injury, and he knows he will, and if he can save some from death, and he knows he probably will, and he will save costs, whether in the health field or otherwise, then he should act now.

Why do we always have to wait until we get into a situation where we get complaints that people have been hurt or that people have been killed or that people have been maimed, before we act? Why can't we act now at the inception of this legislation? I would urge the minister to look at this question and to reconsider his point of view. I really don't see where the problem appears, Mr. Speaker. If you do force people to wear helmets and some people say they are really not needed, how do you know?

It seems to me, Mr. Speaker, looking at the legislation involving motorcycles, when you look at the speed of these things, that the minister should be compelled to reconsider it.

I come back to the health question. The Minister of Health is just really crying about health costs and we know that the major savings are in the area of preventive medicine and preventive care. Talking about seatbelts, the minister and I both know that once this election is over with we'll probably see seatbelt legislation. The statistics on this are overwhelming. He probably knows, once this election is over in the fall, that we'll probably see helmets for moped riders and that we'll see other aspects in the health field where we will tell people: "You can do this." "You mustn't do this." "If you are going to



do this, you must wear a certain safety apparatus"—and so on.

I would urge the minister, Mr. Speaker, to reconsider this aspect of the legislation, and accede to the request of members. Really, it's not on a partisan basis at all. I think it's just people who are concerned, concerned about the safety of individuals.

The last question I would like to ask the minister, Mr. Speaker—and I have not been able to follow all the amendments because it gets relatively complicated about what all the amendments do—but will moped drivers be subject to prosecution for careless driving offences, for instance? Will they be subject to prosecution for other offences under the Highway Traffic Act, like all other drivers of motor vehicles? Recently I have been able to observe some of the operators of these moped vehicles, Mr. Speaker. They may not be involved in an accident themselves, but there is a tendency to weave back and forth, and this causes concern.

You and I both know, Mr. Speaker, to the minister, that even bicycle drivers are often very careless. Some people, going from bicycles to mopeds at the increased speed rate, have a tendency to be careless. We feel that the rules of the road should be enforced for these vehicles. I would like assurance from the minister that, in fact, his legislation does this.

**Mr. Speaker:** The member for Windsor-Walkerville.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Speaker, I would like to make a few comments concerning this bill, and bring to the attention of the minister the way the government has flip-flopped, especially with moped legislation.

You can recall it wasn't too long ago, Mr. Speaker, when a moped was classified as a motorcycle and the individual had to have a licence and had to carry insurance. Then, all of a sudden, that legislation was changed and the moped was no longer that type of vehicle, it was really actually just a bicycle. No longer did the individual have to have insurance, no longer did he have to have a vehicle licence plate.

In fact, I can recall a constituent of mine who happened to own two mopeds and asked me to get a refund for him for the vehicle licence plate. I recall at that time, Mr. Speaker, the ministry did not even inform local police officials as to what the legislation contained. The individual I refer to had been harassed riding his motorcycle, having to show proof of insurance and having to show

a driver's licence. At that time legislation had been passed that did not require all of this, but the police had not been informed.

Now, the minister, has done the right thing in my estimation or has partially done the right thing. The complete legislation could be amended. I hope in the course of this going through the committee of the whole House that there will be amendments made by the minister or from this side of the House.

The fact is the moped is a very popular vehicle in the European countries, and I can foresee this same popularity in North America. I can foresee, even by this fall, finding maybe .25 to 50 mopeds at almost every secondary school in the city, providing they are available for sale in the various communities.

In France, for example, I understand there is one moped for every two vehicles. There are 12 million vehicles and six million mopeds. I can foresee that type of a percentage may eventually come here. With the price of gas, which has been mentioned by previous speakers, a lot of people aren't going to have any other alternative but to use this mode of transportation.

I have driven a moped; I have found them very easy to handle. I found the one that had the motor on the front wheel—I think it is called the Velosolex—a little more difficult, because it felt a little top heavy. Those that had the motor-assist at the bottom of the frame, right at the centre, were much more stable and easier to handle. I enjoyed use of the moped.

I am concerned very much, Mr. Speaker, that there is no safety legislation as far as the use of some type of helmet is concerned. I don't think we need the same type of helmet for driving a moped as we do for a motorcycle but I do think we need some type of helmet. I think that the minister should make it mandatory rather than encouraging it. The reason I say make it mandatory is that his own ministry sends out a publication which has the following statement in it: "In a 30 mph barrier crash, an occupant strikes the interior of a car with a force of several thousand pounds causing serious injury to himself and damage to the interior of the car."

An individual driving a moped at top speed can be confronted with a similar situation. He can probably suffer the same type of injury the individual suffers in the interior of a vehicle in a 30 mph crash. I think the moped driver or rider—there are no longer going to be riders because only one

individual can be on the moped—should be required to wear some type of head gear. The head gear, as has been mentioned by other speakers, doesn't have to be of the same substance or the same strength as the head gear or helmet used by the motorcycle driver.

Mr. Speaker, my community was so concerned about the changes when the law changed from the position where the moped had to be licensed and the individual had to have insurance to the free use of the moped that if I am not mistaken they sent a resolution to the minister suggesting some of the changes he is implementing here. I commend him for implementing them but I'm still concerned about the fact that in section 1, 15(c)ii, he lists a moped as weighing not more than 120 lb.

I think the high limit is too great—120 lb is too high. From what I understand, most mopeds run at between 73 and 86 lb in weight. I think that weight limit should be substantially reduced so that we don't have vehicles, mopeds, driven by students—and the students are going to drive them; not only adults will drive them. A lot of students will drive them—and actually being heavier than the individual driving it. Naturally, one says with an automobile it's always like that but this is one the individual is manipulating by hand and by foot so the minister has little too heavy a vehicle, in my estimation, when he gives a weight limit of 120 lb. He should reduce that substantially for safety's sake.

The other item that disturbs me, Mr. Speaker, is that the minister is not allowing these mopeds to go in areas where the maximum speed limit is 50 miles an hour or more. What he is doing is confining the use of the moped on the part of the individual; am I right? Am I taking the wrong point of view on that? Is he allowing them on the highways or banning them from the highways?

**Hon. Mr. Rhodes:** Allowing them.

**Mr. B. Newman:** He is allowing them. All right then. I thought he was banning their use on the highways. What I was going to say is the individual isn't going to drive the moped only in the city; he is going to go to the beach. Naturally, he's going to be using roads on which the speeds are substantially greater than they are in the city. I may differ from some in that but I know I've got to be practical about it. The individuals are going to go to the beach and other places of recreation with mopeds.

**Hon. Mr. Rhodes:** So do bicyclists.

**Mr. B. Newman:** Sure, they are bound to go. I think there may be a requirement for the extensive development of bicycle pathways on which mopeds could be used, but until the time we develop those throughout the Province of Ontario, I think the minister is going to have to allow them to be used on certain streets.

Those are the comments I wanted to make, Mr. Speaker, and I hope the minister does take into account the comments made by my colleague from Ottawa who mentioned the escalating costs of health. If at the inception of the legislation we require individuals to wear certain types of dress, we may substantially decrease the accident rate, the injury rate and, in turn, the cost of the delivery of health services.

Thank you, Mr. Speaker.

**Mr. Speaker:** Does any other member wish to enter this debate? The hon. member for Cochrane South.

**Mr. Ferrier:** The minister is just encouraging me to go on at some length in my remarks in this bill; much as I would like to, I'm going to exercise a little bit of self-restraint today and make my presentation very short.

I notice that this bill is required because a number of people and organizations have made representations to the minister to amend the bill that he originally brought in last February and to bring in these kinds of amendments.

I think it is important when vehicles are on our municipal roads and highways, as the moped has come to be, that the people who operate them should have some kind of a driver's licence and, in fact, they should know and practice the rules of the road. They should also be subject to the laws of the province in terms of demerit points and the various other provisions of the Highway Traffic Act. Moped riders, as I have seen them, tend to weave in and out of traffic in a way that people on bicycles do not, and I think extra consideration has to be given to the kind of rules they are subject to.

I know the 14- and 15-year-olds will be a little bit annoyed at us, thinking we are perhaps putting too much pressure on them and taking away a right we had granted them, but I think this vehicle is one that deserves a little bit more maturity than perhaps most of them are prepared to give it; therefore, I would support the minister in that.



One point I want to emphasize—and it's been emphasized by other members who have spoken in this debate—is the need to require helmets for the riders of mopeds in the same way that helmets are required for those who ride motorcycles. It was the persistent efforts of my colleague from Yorkview, who hammered away at it, that finally brought Mr. Haskett, who was the minister at the time, to implement this kind of legislation for motorcycle operators.

We do not feel, of course, that a moped goes anything like the speed of a motorcycle or that there is the same degree of danger, but there have been some very unfortunate accidents involving mopeds and people have lost their lives. Not too long ago in Hearst in the riding of my friend from Cochrane North (Mr. Brunelle), a young person lost his life riding a moped. I am not sure if a concussion was involved or not. It seems to me that we should be prepared to protect the rider; if he is not sensible enough to do it himself, then we should require it. If a little extra is asked of them, then I think they should be prepared to live up to it.

I don't know what to say about women and their beautiful hair being messed up if they wear helmets. I suppose if they are riding around with the wind blowing through their hair, it will be messed up anyway, if they don't have one on. Whatever way it is, they may have to get their hair done up after they have been out for a recreational ride on one of these mopeds..

I think it would be a very good idea, and I would just appeal to the minister, along with others, to require the use of helmets by all riders of mopeds. Thank you, Mr. Speaker.

**Mr. Speaker:** Does any other member wish to speak?

**Mr. J. P. Spence (Kent):** Mr. Speaker, I'd just like to add a few remarks. I don't want to prolong this debate, but I know how the Honda vehicle developed in certain parts of this province and I know that the moped will develop in rural Ontario in a big way, although it is not too well known there now.

I would say to the minister, after listening to the debate this afternoon, that I am one member of this House who would like the minister to really consider some headgear for those who use mopeds. I know in our part of the province, where a large number of Hondas are used, many fathers and mothers forbid their sons and daughters from using these vehicles without a helmet

and if they ever find them riding one of these vehicles without a helmet they warn them that they will never have an opportunity to ride one again.

It is a concern to many if the drivers don't use these helmets, and this afternoon, after listening to this debate, I would advise the minister to make it mandatory that those who use mopeds, those 16 years of age or older, should be compelled to use some kind of a headgear that will prevent them from being injured and save them tremendous misery or suffering for the rest of their lives.

I would like to see the minister give every consideration to making headgear mandatory when riding these vehicles.

**Mr. Speaker:** Does any other member wish to enter this debate? The hon. minister.

**Hon. Mr. Rhodes:** Thank you, Mr. Speaker. I listened with a great deal of interest to the comments made by the members. The two points that seemed to come through, obviously—and I am not at all surprised, I might say—were the question of the helmets, or the headgear, and the weight of the vehicles.

Let me assure the hon. members that it has not only been themselves who have been concerned about the question of whether or not we should have helmets or headgear of some kind. I have spent a great deal of time debating within my own mind this particular requirement. I have discussed with a great many people the question of whether or not this sort of headgear was required.

I regret very much that the hon. members would have fallen into the same trap I expected the press to fall into, and that is, I made the remark about women and after I said it I wished I hadn't, because I knew the press would make that the main part of the whole argument. I am extremely disappointed that the members fell into the same trap, because it was said facetiously. Although it is true that I did have some submissions made to me, that certainly was not the major part of the submission on helmets.

**Mr. Gaunt:** It wasn't the main cornerstone of the minister's argument.

**Hon. Mr. Rhodes:** No, I regret that it was taken that way. It was not intended to be. There was really no cornerstone to any argument.

**Mr. Cassidy:** That was the problem.

**Hon. Mr. Rhodes:** That is correct, and I am not arguing that point. I am simply say-



ing that there were so many various submissions as it related to the helmets and the wearing of them. A number of arguments were put forth. Quite frankly, I tried on helmets to see what wearing these things felt like. I had never worn one before on a motorcycle, because I am much older than the member for Ottawa Centre. We didn't have to wear them when I was riding motorcycles. I found that when riding a motorcycle at a low speed the helmets were very warm.

I won't try to justify what was said in the past. The whole argument on helmets was well made, I think, by the member for Scarborough West when he started the discussion on helmets. I think the same comments were made by the members for Ottawa Centre, Ottawa East, and others who talked about the helmets, and that is, "some form of headgear." Understand, at the present time the only standard that exists for the helmet is for that helmet now required by motorcycle riders. This is part of what created a lot of apprehension in the minds of those who were opposed to the headgear.

I agreed with the thought that some form of headgear is a good thing, but I don't know how I am going to establish this "some form," because right now there is no standard. The only standard for helmets that we are aware of is that for the motorcycle rider. If someone knows of some standard somewhere and can let us know, we would be very happy to consider that and put it in.

**Mr. B. Newman:** We have a helmet standard in football.

**Hon. Mr. Rhodes:** If we are going to set a standard, surely to goodness we are not going to say that one should wear a football helmet riding a moped or that he should wear a boxing helmet on a moped or that he should wear a hockey helmet on a moped. I am not arguing against the member's logic. I am saying let's find a standard that will be less than that very substantial helmet that one is required to wear to ride a motorcycle at 60 or 70 miles per hour.

**Mr. Ferrier:** We would wear a moped helmet on a moped.

**Hon. Mr. Rhodes:** He can wear a moped helmet. I would like the hon. member for Cochrane South to develop the moped helmet and we would be all set to go. He could become a free enterpriser again.

**Mr. Cassidy:** It is a challenge to Ontario industry.

**Hon. Mr. Rhodes:** The helmet is a matter to which we have given a lot of consideration. I certainly have given a lot of consideration to that. We will be back to that point, but I think the point is well made of some form of helmet.

On the question of the weight of the vehicle, when we talk about the weight we are talking about the curb weight of the vehicle. We are talking about the vehicle as it would be with whatever equipment was on it and with a full tank of gas or whatever is required. I have in front of me a list of some of the various weights of the vehicles. To give just an example, one that has a dry weight of 99 lb, and its curb weight takes it up to 109 lb. Some of these smaller vehicles that were being referred to earlier increase considerably from the dry weight to the actual curb weight when they are ready to go down the road. I think that's understandable.

We arrived at 120 lb as a way of handling the majority of the machines as we knew them. They have a much wider tire and wheel than a bicycle. It adds to their weight. They are equipped with a headlight that adds to their weight while bicycles are not. They do have the motor, which adds to the weight. We felt that we had to arrive at some sort of weight that would not suddenly preclude a great number of machines that have already been bought.

I have been criticized here in this House for allowing people to buy them and then suddenly making them illegal. I think we arrived at a weight that seemed to cover those sorts of machines at the curb weight. I have these figures here and I could make them available to members for comparison. They usually increase anywhere from 5 to 10 lb as a result of going from dry weight to curb weight.

I am, I think, reasonably satisfied and gratified—I suppose that is the word—with what appears to be the acceptance of the other sections of the amendments we have presented. We touched briefly on the licensing requirement. We want to have the vehicles registered. We want to have them subject to the requirements of the Highway Traffic Act and, for benefit of the member for Ottawa East who is not here, that would be a requirement. They would be subject to the Highway Traffic Act and the rules of the road. The driver who will now be licensed at the age of 16 will also be required to abide by the laws as they apply to a driver. He or she can be charged under the Highway Traffic Act.

I might point out that within the terms of the Act, if they are convicted of an offence that calls for the suspension of the licence, it will be suspended. That prohibits one from driving any motor vehicle, if he is suspended as a result of an incident involving a moped. The law is very complete in that manner.

**Mr. B. Newman:** Will points be accumulated?

**Hon. Mr. Rhodes:** Points will be accumulated. If one violates the Highway Traffic Act while riding a moped, it is classed as a motor vehicle and points will be accumulated. The licence can be suspended for that purpose and re-examination required and what have you.

I listened with interest to the member for Ottawa East for two reasons. I have a degree of respect, minimal as it may be, for his knowledge of what's going on. The only thing is, I would like him to be on one side of the fence or the other. He made an impassioned speech about the Health ministry's concerns about the rising costs of health. We are as concerned as anyone else is, but last February, while I was introducing the Act to require suspended drivers not to be permitted to drive their vehicles as a result of drunken driving and impaired driving on our highways, he's the same fellow who got up and told me how terrible it was—

**An hon. member:** Shame on him.

**Hon. Mr. Rhodes:** —and what a terrible thing I was doing by taking those drinking drivers off the highway, infringing on civil liberties, and he went on and on. I would suggest to him that he go and read the copy of Hansard from back in February, and see what his position was at that time. Today he's for motherhood. At that time he was not nearly as in favour of motherhood as he is now. He's changed a lot.

We can save a lot of trouble in this province as far as accidents are concerned by simply banning everything. That's the easy way. If we had banned mopeds and prohibited their use in the province, we wouldn't even be standing here debating it.

The member for Windsor-Walkerville says they're here to stay. The member for Sudbury says they're here to stay. You bet they're here to stay. I wish that I could have anticipated back in February, when I first brought in that original Act, what was going to happen; how these things were going to grow in popularity across this province. I wish I had been able to anticipate what some

of the manufacturers were going to do. I wish I had been able to anticipate that they were going to try to put certain things on our highways and pass them off as mopeds, even if they weren't. So, if they suffer a little bit as a result of legislation, much of it was brought on by themselves in an attempt to put things on our highways as mopeds that we don't really want.

**The hon. member for Ottawa Centre,** I believe, referred to the question of the machine being able to be—

**Mr. Cassidy:** Souped up.

**Hon. Mr. Rhodes:** —souped up to go beyond 30. I would hope that we have that covered. I agree it can happen, because people can break the law regardless of what you do. But the Act says, "not capable of exceeding 30 miles per hour." If it is capable of exceeding 30 miles per hour, then it is in fact a motorcycle and anyone riding one, with a moped licence under the moped regulations, would be guilty of an offence and that particular machine would no longer be classed as a moped. I hope that might cover that aspect of it.

There is the question of insurance. At the time of introducing this bill, I said I would like to see an amendment to the Insurance Act which might permit insurance on these things to be reasonable. My original information was that we were going to be faced with an insurance bill of around \$60 to \$75 for mopeds. That's fairly high, I thought. But that particular information, I understand, was as a result of including in the premium, fire and theft coverage at that time.

My latest information is that, without any amendments to the Insurance Act, just as they presently are and the way they will be eventually actuarially classed, the premium will be around the \$35 to \$50 mark. In there somewhere would be the insurance that would be required for these under the present situation.

The reason the insurance is involved here—and I think members probably know—is because it's a motor vehicle. It's been made into a motor vehicle within the meaning of the Act in order that they can be registered. Members well know that the motor vehicle accident claims fund says that the registrar of motor vehicles can't issue you a licence or a registration for your motor vehicle until such time as you prove to him that you have insurance.

**Mr. V. M. Singer (Downsview):** Or—



**Hon. Mr. Rhodes:** Or, pay into the fund. So, the individual who is driving the moped as a result of it now being a motor vehicle must have one or the other.

**Mr. Singer:** Nothing wrong with that.

**Hon. Mr. Rhodes:** No, I see nothing wrong with it, but I was asked to respond as to why the insurance and what were we going to try to do about it.

I hope I may have touched on most of the points. I know we'll be going into committee to deal with this clause by clause, so perhaps we can wait until that time.

One other point was helmets. Everyone talks about helmets and that we should put some form of headgear on. When it comes out it always sounds as if we had passed legislation banning the wearing of helmets. Everyone can wear them at any time. I agree with the compliance by the motorcycle riders, that the member for Ottawa Centre referred to. Anywhere I've gone I see motorcyclists—

**Mr. Singer:** Irwin Haskett took years getting around to saying "yes" to that.

**Hon. Mr. Rhodes:** —all wearing their helmets. But the only point is, do the members really believe that those helmets would suddenly disappear if all of a sudden we took the trend that California has taken, for example. California has said they've removed the requirement for their motorcycle riders because they say the statistics don't show that helmets have added any safety factors. I'm not going to debate that one. But do the members think they would revert to riding without the helmets? I don't know.

**Mr. Ferrier:** They'd be a lot more careful.

**Mr. Cassidy:** It would be gradual.

**Hon. Mr. Rhodes:** They would probably go back gradually.

**Mr. Cassidy:** In four or five years we would be back to 50 per cent using them.

**Hon. Mr. Rhodes:** The member is probably right.

**Mr. Singer:** They only started wearing them here after we legislated them.

**Hon. Mr. Rhodes:** It is an unfortunate thing though. I am pleased to hear the hon. member for Downsview say that because he is, I think, a good lawyer, and there are not too many of them around.

**Mr. Singer:** I am watching for the trap.

**Hon. Mr. Rhodes:** No, there is no trap. The thing I am a bit concerned about is where do we stop with legislation? I am not saying we shouldn't do this; but if a tragedy occurs in someone's backyard in a swimming pool, if someone drowns, do we ban swimming pools? What do we do? Do we prohibit people from using them?

**Mr. I. Deans (Wentworth):** Is someone suggesting that?

**Hon. Mr. Rhodes:** No, but someone will eventually.

**Mr. Deans:** Why is the minister asking such a silly question?

**Hon. Mr. Rhodes:** Some of the things that have been suggested to me by the members opposite over the last year and a half have been just as silly or more so, with the greatest of respect.

**Mr. Deans:** Perhaps equally as silly; they couldn't have been sillier.

**Hon. Mr. Rhodes:** Certainly equally as silly. People are saying to me, and they have said over the last year and a half in particular; "For God's sake, don't legislate everything."

Someone suggested we do something about licensing of bicycles on a provincial basis. I think somewhere along the line we have to draw the line on whether we legislate or not. I notice members opposite are not unanimous in their thinking in their own caucuses on this matter. I have listened to the debate.

**Mr. Ferrier:** Are we going to stop at roller skates maybe?

**Mr. Cassidy:** How about hoops?

**Hon. Mr. Rhodes:** I don't think the member for Essex-Kent agrees with some of the things that were said by his colleagues as they relate to helmets. I think the member for Sudbury is probably in the same boat as I, that is we are not sure which way to go on this one. He has indicated that he isn't necessarily gung-ho in favour of helmets, as his colleagues from Scarborough West and Ottawa Centre are.

Anyway, I think we can come back and deal with a lot of these items point by point as we go along in the committee.

Motion agreed to; second reading of the bill.



**Mr. Speaker:** Shall the bill be ordered for third reading? Committee of the whole House?

**Clerk of the House:** The fourth order, House in committee of the whole.

#### HIGHWAY TRAFFIC AMENDMENT ACT

House in committee on Bill 129, An Act to amend the Highway Traffic Act.

**Mr. Chairman:** The member for Essex-Kent.

On section 1:

**Mr. R. F. Ruston (Essex-Kent):** I am still concerned a little about the weight. The minister in his reply cited the 99-lb weight, whereas the curb weight was 109. I just called one of the dealers in town a few minutes ago to get some weights. They had 73 lb and 82 lb and no doubt some heavier also. The weight is a very important part of this legislation. I was just looking at a newspaper clipping of a machine that wouldn't come under the category of what is called a moped now, but I think it did before. My goodness, it is not a moped; it is a motor-cycle. What the legislation does now is to take this out of the category because it has a gear shift and so forth, yet it has a 50cc motor and the weight of it would be much more than specified.

I think this is quite important. I was intending to bring in an amendment that we bring this down to 100 lb, but I have an open mind on it. I am sure you and your people have done more research into this. You have the staff and so forth to do this. But I am quite concerned; I think a very important thing in this bill is the weight of these vehicles. Of course the heavier they are the slower they go maybe.

I think the handling of them has quite a bit to do with the weight. I recall the member for Sudbury brought this up. I feel quite strongly on this matter. It seems to me that we could keep that down; with the ones you mentioned and the ones that I have, even 110 lb would be all right. I thought 100-lb maximum would be quite satisfactory. I would like your comments as to whether you think it is possible.

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Mr. Chairman, I would like to comment on that. I think my reasoning here is this. I looked at the basic curb weights of these various machines. I

think the highest curb weight was about 107 lb; I think that's the highest that I saw. Most of the members discussing this bill on second reading pointed out quite accurately there were those with curb weights of 85 lb, 88 lb, down to a low of 59 lb, which is a pretty small machine.

The thing I was concerned about was that if you took 100 lb, as someone has suggested, as being the curb weight, what you effectively do then is you eliminate the possibility of the owner of that particular moped from adding something to that vehicle that may be very desirable—perhaps extra lighting for use at night or a carrier—so that, rather than try to ride down the road from the corner store with a quart of milk, it can be put in a carrier which becomes a part of the machine. That's going to add a little weight to the curb weight of the machine, because it becomes a part of the machine.

I really think it isn't such a bad thing as take a curb weight of a vehicle, to which can be added some of these features that would allow it to remain a moped for all intents and purposes, in terms of power, speed and the other regulations, and yet allow it to reach that weight.

I agree with the member for Sudbury (Mr. Germa), who said earlier about many of these things. I sure wouldn't want to be too far from home if the motor breaks down and expect I'm going to pedal home; I'll get there but I'm going to be tired by the time I do get home. We felt there was some merit in leaving the weight in that vicinity so that we didn't have them start to strip down a lot of things that you and I would find desirable in order to keep it as a moped, the biggest weight factor being the motor. Other things could be added to it that would help it.

**Mr. Chairman:** The member for Sudbury.

**Mr. M. C. Germa (Sudbury):** Mr. Chairman, I would like to follow along and make further arguments for a reduction of weight. I think the minister has put the cart before the horse in that the moped was invented before he invented his legislation.

**Hon. Mr. Rhodes:** I know that.

**Mr. Germa:** He has practically said: "I've taken a look at the weight of these things and they are running at the weight now, so that is what we'll have to accept." I don't think that is the responsibility of the minister.

**Hon. Mr. Rhodes:** No, that is not necessary.

**Mr. Germa:** The minister is here to tell the manufacturer what type of vehicle is acceptable on the roads of Ontario, despite the fact that these people already have them in production.

Make no mistake about it: The industry will gradually bend to the requirements of the Province of Ontario. If they're going to sell 50,000 or 60,000 of these vehicles in Ontario, and if you put a weight limit of 75 lb on them, you will see the manufacturers meeting those requirements. But when you give them 120 lb, they're going to add tape decks, stereophonic radios—practically all the junk stuff you get on an automobile.

I think you've got to take into consideration that you are passing the legislation to fit the people of Ontario, doing what you deem to be acceptable and safe and you do not have to meet the requirements enunciated by the industry.

You have had experience on those things, and there is no doubt in my mind—and there should be none in yours—that those vehicles you were riding two weeks ago in the parking lot are overbuilt. I'm sure you will admit and agree to that. Those things can be cut away down as far as the weight factor is concerned.

Why do we need shock absorbers on a bicycle? It's a bicycle we are talking about. The first line of the first section says: "Motor-assisted bicycle" means a bicycle." That's what I'd like to be talking about, a bicycle, and not some sort of a miniature motorcycle, which is precisely what we have here.

I think you have to reconsider the weights, even if you do offend some manufacturers presently and temporarily. Certainly you will offend them, but I have great faith in their ability to meet standards. They'll devise a machine by using lighter metals or by more engineering. They'll get the necessary strength there. I don't think we need this vehicle with the huge wide tires it has on it now, with the massive frame with which it is presently constructed.

I think this would go a long way in keeping these things as they are meant to be; namely bicycles with a power assist, and not the reverse which I still see that we have. I think that's where the minister erred in his definition. He did say at an earlier date that by tightening up the definition he is going to make sure it is a power-assisted bicycle and not a pedal-assisted motorcycle. Well I don't think this has been accomplished in the definition.

The definition part is the key part of the bill. How do we separate it from that other thing known as a motorcycle? How do we get it closer to a bicycle? Well we have to start with the basic bicycle criteria; namely that it is built very light because it has to be propelled by muscle power. That is where we have to start. Then you add only that amount of weight necessary to carry this motor assist, and not the reverse.

**Mr. Chairman:** Any further discussion on this point?

Shall this section stand as part of the bill?

Anything on section 2?

**Hon. Mr. Rhodes:** Mr. Chairman, I propose an amendment to section 2 of the bill.

**Hon. Mr. Rhodes** moves that section 2 of the bill be amended by striking out the word "repealed" in the second line and inserting in lieu thereof "amended by striking out 14 in the first line and inserting in lieu thereof 16."

**Hon. Mr. Rhodes:** Mr. Chairman, the effect of that is to raise the minimum age from 14 to 16 on royal assent, rather than wait until we proclaim the driver's licence requirement.

**Mr. Chairman:** Shall this section—

**Mr. Germa:** I wanted to speak further on section 1 before the minister rose, Mr. Chairman.

**Hon. Mr. Rhodes:** My apologies. I thought the section was carried.

**Mr. Chairman:** The matter of weights, then, carries.

What section is the member for Sudbury on?

**Mr. Germa:** Section 1.

**Mr. Chairman:** Section 1, right; carry on.

**Mr. Germa:** This is back on the definition section, Mr. Chairman. The definition calls for this machine to be, "fitted with pedals which are operable at all times to propel the bicycle." You know, I think if you take a look and if you recall the experience you had, these things have some sort of restraint on them which precludes your using it as a pedal machine.

Now, I am not a technician. I don't know what it was that was dragging me down, but I couldn't pedal the thing. Despite the fact I put in the decompression lever, it



seemed to me that I was still turning over that piston, despite the fact there was no compression on it.

Now, maybe some of your experts have looked at this. It's not a free-wheeling device. It's not a free-wheeling vehicle like a bicycle should be, without any restraints whatsoever. It's not only the dead weight of the vehicle, the 100 lb that was holding us back from using it as a bicycle, there was something in the gear box, or whatever, which was restraining the rotation of those pedals and not only the weight of the vehicle and the power of driving it. I'm sure you agree with me on that.

Now did your officials look at these vehicles? I think to make the definition clearer you must have a bicycle which is free-wheeling and totally disconnected and removed from the motive power when it is being used as a bicycle. There was only one of that 25 or 30 we saw which was a free-wheeling bicycle, where I felt the motor was completely removed. One was the arrangement that you lifted off the wheel with a lever, which hoisted it physically from the rotating wheels. That one pedalled in a very free-wheeling fashion, but none of those others which had the motor down close to the sprocket part of the machine did.

**Hon. Mr. Rhodes:** Well Mr. Chairman, I would hope that what we are saying here, and that it will in fact be so, is that the particular machine will be operable at all times with pedals. I'm thinking that if the motor was to be removed completely from the moped vehicle it still would be operable with pedals. That is how I was looking at this particular definition as far as being propelled by pedals is concerned. I don't want the pedals on the machine to be there simply for decoration. They are to be there to propel that vehicle.

If we don't have the wording right for that purpose, I am prepared to attempt to make some changes to it. I felt it did cover that, "fitted with pedals which are operable at all times to propel the bicycle." I thought that wording did what I wanted it to do but it may not.

**Mr. Germa:** Maybe that was the intention, but I'm sure the minister knows it's not going to accomplish that. Certainly the pedals are there physically; certainly the pedals are operable; but the bicycle, the motor-assisted vehicle, is not operable as a bicycle because you are dragging the weight of the engine with you. Despite the fact you have released the compression in the compression

chamber, you still have the friction of that engine, as far as I'm concerned, going around with the pedal. It is, therefore, not operable.

The minister knows one can't pedal it more than two blocks but one can pedal any bicycle 10 miles—any one of us can quite readily—but on that vehicle we couldn't do two blocks probably.

**Mr. I. Deans (Wentworth):** No, the Minister of Energy (Mr. Timbrell) can't.

**Mr. M. Cassidy (Ottawa Centre):** I am not sure about the member for Welland (Mr. Morningstar) either.

**Mr. Chairman:** Order, please.

**Mr. Germa:** Well, the average guy could. The minister admits that two blocks would be about all he could do by pedal with that thing. What is it that's restraining it from being a bicycle? That's what I'm trying to tell you. It is not really a bicycle the way it is presently designed.

What can we do to make it a bicycle? I would suggest there has to be some clear separation between the gasoline power or the electric power on the thing and the muscle power which is also provided. It's not there.

**Hon. Mr. Rhodes:** I don't think there is anything more I can add. I still feel that as we now define the vehicle that section does effectively provide for the pedals to be there to be operable at all times to propel the bicycle.

One other point is it was necessary to put this particular section in to rule out certain machines which had the pedals on them all right to make them look as though they were mopeds as we intended to define them but really all they were was something which could be adjusted to become foot rests for the motorcycle, which it really was. By saying they must be operable to propel the bicycle, we have turned certain manufactured products into motorcycles, which they really were, and they will not be able to become mopeds. I think it meets the requirements there. That's why we did that, essentially, and in the hopes of having—they can be propelled; maybe not as easily as I would like it to be but at least they can be propelled.

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** I had a comment on the definition of motor-assisted vehicle that related



to the power of the bicycle, which I think is germane to the comments made by the member for Sudbury as well. Knowing human nature and knowing the nature of private corporations and so on the two will conspire to ensure that if the bike can't go 30 miles an hour it will come awfully close to it. There are liable to be certain bikes that are mopeds, close to the 120 lb mark, with a relatively generous engine which has a capacity to be souped up.

The minister states quite correctly that if, at any time it's tested, the vehicle goes over 30 miles an hour under the test arrangements here, automatically it isn't any longer a moped. Somebody who is driving a vehicle as a moped, which has been adjusted to go faster, will have to pay the consequences but that's pretty difficult to police.

I think what I would suggest to the minister is this. If the minister is not willing to change the definition of "on pedals", at the very least there should be contact between the ministry and the people who were importing or manufacturing or selling these vehicles about the ones which seem to be coming awfully close to the line of being a motorbike and not a moped because the pedals really aren't much use; or about the ones which seem to be just designed to be souped up by kids.

I would suggest that through the teenage sons and daughters of people working in the ministry and cabinet ministers and that sort of thing probably there is a fairly good information system which can be brought to bear in order to find out what's happening in that particular sphere.

You have to give a certificate that a moped is a moped in order that it can be sold as a moped. I think possibly there, if you won't give on the wording of the Act, the definition of the word operable ought to mean something more than pedals which will take a moped for two blocks or so.

As the member for Sudbury says, if you're stranded five miles from home, you ought to be able to pedal the thing back even if you're pretty tired by the time you make it. If a moped doesn't meet that kind of standard—that an average kind of rider, male or female, can't ride it a mile or two with the pedals and without the motor assistance—you would say it is not operable really as a pedal-type bicycle and therefore doesn't fit the categories. Would the minister comment on that?

**Hon. Mr. Rhodes:** It is my intention and has been from the time I started to develop

what I hoped would be legislation which would put some sort of reasonable control on the moped, that we would still have the motor-assisted bicycle. That's the main thrust.

I make no bones about it and I've said it publicly before and I say it here—let the manufacturers and the distributors be well aware that what has been done by statute can be altered by statute. If they want to play games with these machines, they are inviting more trouble—not necessarily trouble but they're going to get more regulation. By the stroke of a pen in this Legislature we can put those things right back into the motorcycle class very quickly. I say again publicly I can only warn the manufacturers, the distributors and the retailers that if they're going to play games with these things, they are going to end up with an awful lot of them going right back into the motorcycle category and don't come crying on my shoulder when it happens. I have warned them of that and I really believe they recognize that they're going to have to accommodate this legislation.

In some of the discussions I have had, I find the majority of those now coming into Ontario will run at about 22 mph; the majority. Secondly, as I mentioned at the time I looked at them, if we can keep them in that category—that 22 mph category as they tell me the majority of them are that are coming in now—I think we can get along with them as being mopeds. I think as the member for Sudbury and I discussed the day we were out with them, there were a couple of them there that you could pedal; you could move along on them. There were some of them which if I had test driven them, I wouldn't want to ride very far as a bicycle.

I can only say in answer or to comment on that, this is the initial legislation. I'm not going to pretend to you that it is not going to be amended next year or the year after or the year after. It probably will be. But I do say that we want this to be a motor-assisted bicycle. We want it not to become motorcyclized—if I can conjure up that new monstrosity of a word. If it does, the legislation can quickly be changed to put an awful lot of those machines right off the road as mopeds.

**Mr. Chairman:** Any further comment?

**Mr. Cassidy:** Just a comment here. The certificate is given by the vendor?

**Hon. Mr. Rhodes:** Yes.

**Mr. Cassidy:** But the ministry has a means of communicating with the vendors to say: "This vehicle isn't really operable for pedalling because after you pedal it for two blocks, you collapse of a heart attack and therefore we will tell you not to certify any vehicles of this make and model as mopeds." If we could have that kind of an assurance, that would be at least helpful.

**Hon. Mr. Rhodes:** Yes, I think that can be handled in the regulations which go with the Act. I say quite openly that the people I have talked to in the industry are willing to co-operate. As long as they are willing to co-operate and go along with the meaning of the Act, I think we're going to get along fine. It's when they decide to go in the other direction that there is going to be difficulty for them, and I think we can take care of that in regulations.

By the way, that same form will be required by the purchaser in order to be licensed as a moped at the issuing offices.

**Mr. Chairman:** The member for Sudbury.

**Mr. Germa:** Mr. Chairman, it's true what the minister says. By a stroke of the pen you can pass legislation, and no doubt you have the power. But have you got the will to do it? You only have to deal with 20,000 people now; there are only 20,000 of them out there. You are only going to offend 20,000 people. By the time there are 150,000 of these things in Ontario, there is a lot of political clout there and you won't be so anxious to come in here and, with a stroke of the pen, rub these people out of business. No, I can't agree with you.

Why don't you deal with the problem now while it is small, before the problem gets too big? Why don't you guarantee us, by passing some amendments here, that this is going to be a motor-assisted bicycle and not what it is today? Maybe you should provide that the dealer who sells and signs certificates should have to pedal that thing for 25 blocks. That could be one of the tests, or something like that. He would immediately say: "Well, I can't sign that certificate because it's not a bicycle and I can't pedal it." If you can't define a definition by mechanical means, do it by trial by fire or something like that.

This is going to turn into a big problem. A couple of years from now it's going to be very difficult to make any changes in the weight and in any of these things that we are talking about here. I think you should consider seriously the kind of a monster we are creating.

**Hon. Mr. Rhodes:** Number one, I don't really think that it's that much of a problem. I think you would agree that in legislating mopeds we are aeons ahead of what we were with snowmobiles. Eventually legislation was brought in for them, but we are away ahead. The things have only hit the streets and all of a sudden we have got legislation. I don't disagree that now is the time to do it, but I don't see anything wrong with coming back and amending legislation if we have to amend it, if it's required.

**Mr. Ferrier:** That's what you are doing here.

**Mr. Cassidy:** You have already amended it once. How many times are you going to come back?

**Hon. Mr. Rhodes:** That's right. Let's not be too hasty to be critical of the minister on that one, because I invite you again to go back to February's Hansard and read all the debate that came from that side of the House when I introduced the legislation. You all supported me; you thought I was a wonderful lad.

**Mr. Chairman:** Any further discussion on section 1?

**Mr. Cassidy:** On section 1, Mr. Chairman, or maybe on section 2, I just want to pursue a bit the question of insurance which the minister commented on. He said, from my notes, that he had thought the coverage, including fire and theft, would be \$60 to \$75, and had thought that was a bit high, but was now told that it will be between \$35 and \$50. If it's \$50 without fire and theft, it's really just as high as \$60 or more with fire and theft. I wonder if he can give some elaboration on that matter.

**Hon. Mr. Rhodes:** Which section are we on now?

**Mr. Chairman:** I don't think that is in section 1. Shall section 1 stand as part of the bill?

**Mr. Germa:** May I ask one more question on section 1, Mr. Chairman?

**Mr. Chairman:** Right.

**Mr. Germa:** Section 1(1) (15e)(iv) defines that the engine shall not have a cubic displacement of more than 50 cc, yet there is no limitation on the size that an electrically operated moped could have. Do you think it's not important to put a horsepower maximum on the electrically operated one?

Let's not kid ourselves, there is an electric one, we had a chance to drive one. Some-

body might come in with a high-powered electric one.

Of course, you have the second definition that it cannot be sufficiently powerful to attain a speed of more than 30 mph. But you did see fit to put a cubic displacement on the gasoline-powered one, and you did not see fit to put a horsepower maximum on the electrically operated one. Is there any particular reason for that? Are you sure that is not necessary?

**Hon. Mr. Rhodes:** Yes. In fact, I think the first amendment to the Act was to make sure that the electrically driven moped was covered in the Act. I have been given the assurance that, combined with the maximum speed requirement, this is sufficient coverage.

**Mr. Chairman:** Shall section 1 stand?

**Mr. Cassidy:** Subsection 1. I have a question on subsection 2.

**Mr. Chairman:** Yes, we have an amendment by the minister.

**Hon. Mr. Rhodes:** No, not on subsection 2 of section 1.

**Mr. Cassidy:** Subsection 2 of section 1, Mr. Chairman, I believe, is the section in which the minister has indicated insurance will now be required on mopeds. I believe that is accomplished by including mopeds in the definition of motor vehicles; is that correct?

That's my peg. I wanted to ask the minister the question as put to him: What does \$35 to \$50 get you and how will that differ among different classes of riders according to the information he has had from the industry?

**Hon. Mr. Rhodes:** First of all, my information comes from the Ministry of Consumer and Commercial Relations, with which I was having discussions to try to develop this thing for the third party sort of coverage.

The information I have is that the premium for the third party liability and accident benefits promulgated by the insurance advisory organization is from \$45 to \$48. A quick survey of the industry indicates premiums would be from \$35 to \$50. That really is the information I have. I think there is still some area here where insurance companies will be able to arrive at a premium, I don't think they have anything to base their premiums on as yet. The experience with them is practically nil, I think, in Ontario and not too much in other provinces, because

I think, as you pointed out, in many of the provinces they are classed at one end of the stick or the other; either they are pure bicycle or they are pure motorcycle. They will be required to have third party coverage and the \$35 to \$50 at least is cheaper than contributing to the fund.

**Mr. Cassidy:** How much is it for that fund?

**Hon. Mr. Rhodes:** I think the fund is \$50. Is it \$50 now? It is \$40 now, but there may be an increase in that, too, before too long. I can't really give you much of an answer on that.

**Mr. Cassidy:** I think the next thing I am going to say is probably like spitting in the wind with the Conservatives. It would be very nice, given the nature of the people who will tend to buy mopeds, who will tend to have lower incomes and to be either elderly or young, in many cases, if there were efforts made by this ministry and by the Ministry of Consumer and Commercial Relations to ensure that the insurance industry doesn't pick on moped owners and levy an unfair and unduly high premium on them. If they weren't of modest means they wouldn't be buying mopeds.

I would like an assurance from the ministry that you will come in and try to protect the people getting insurance for mopeds. I don't know if you can do it since you don't do that for anybody else, but it would be desirable for you to do so.

**Mr. Chairman:** Is there any discussion on any other section of this first part?

**Mr. Cassidy:** It won't stand up.

**Mr. Chairman:** Shall section 1 carry?

Section 1 agreed to.

On section 2:

**Mr. Chairman:** In section 2 we have an amendment by the minister. The minister moved earlier that section 2 of the bill be amended by striking out "repealed" in the second line and inserting in lieu thereof "amended by striking out 14 in the first line and inserting in lieu thereof 16."

Any discussion on section 2?

Shall the section carry?

Section 2, as amended, agreed to.



Sections 3 and 4 agreed to.

On section 5:

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy** moves that Bill 129 be amended by adding a new section 5(a) as follows:

Section 62(1) of the Act is amended to read, "No person shall ride on or operate a motorcycle or a motor-assisted bicycle on a highway unless he is wearing a helmet that complies with the regulations."

**Mr. Chairman:** The minister has an amendment on section 4(a). I should read it at this time.

**Hon. Mr. Rhodes:** Mr. Chairman, I don't think I will propose that amendment.

**Mr. Chairman:** You will withdraw this amendment?

**Hon. Mr. Rhodes:** At this time. I never introduced it; I respectfully ask that you wait until I do.

**Mr. Cassidy:** I would like to comment on my amendment, Mr. Chairman. There were a number of comments made about the need for making helmets compulsory during the course of the second reading debate on this bill. I think the consensus that the minister recognized in his comments was that people weren't saying that motorcycle helmets should be mandatory, people were saying that helmets suitable for mopeds should be mandatory.

The minister went on to say, however, that he didn't know of any standard that exists for moped helmets and he gave that as one of his two principal reasons for rejecting the recommendation. His other reason was the least-government-is-the-best-government argument: Where do we stop? How far do we go on? Which, I guess, is the civil liberties argument, I am not quite sure. At any rate he was saying that he wasn't sure that we should legislate in this field.

I would point out to the minister, Mr. Chairman, that if moped helmets are not being made right now, it leaves people on mopeds who are concerned about their safety with the alternative of either wearing a motorcycle helmet, which the minister tried and found uncomfortable, or risking their health, safety and life by going with no helmet at all. If the industry has not at this time come up with a moped helmet, specifically designed for vehicles going no faster than 30 miles an hour, then it's unlikely that

it's going to come up with one until some jurisdiction like Ontario moves in and says: "Go ahead and do it."

As I understand, the motorcycle helmets cost between about \$35 and \$75, depending on how elaborate they are. It's probably possible for a moped helmet to be built and sold for \$20 to \$25. This is quite possibly something that could be done by Ontario industry and I rather suspect that it's something that could be done quite quickly.

It interests me—in the area of hockey, for example—that when my kids play hockey they wear helmets because they are required to. The NHL players don't wear helmets because they are not required to and the argument that people will protect themselves by wearing helmets if they are not mandatory falls down, both on the argument of human nature and also on the argument that suitable headgear does not appear to be available right now.

You are liable to get people wearing baseball helmets, football helmets, hockey helmets and other kinds of alternatives. You are liable to get manufacturers coming in with a helmet which they call a moped helmet and which people will mistakenly buy, thinking that they will be okay, but in fact those helmets will not meet any standards and will not give the kind of protection they purport to offer. On the other hand, you will have people unnecessarily buying very heavy, bulky, motorcycle helmets that are required only for fast motorcycles.

I would like to be specific with the minister as well. Another simple amendment would permit him to accept this amendment but not to proclaim it until the fall, by which time a standard could have been established by the CSA, the Canadian Standards Association, in conjunction with this ministry and quite possibly with the industry.

I presume it is fairly easy to get a standard in terms of the way the thing fits and fastens and so on. What is subsequently required is some estimate of the force against which a head needs to be protected by the helmet. I am sure that can be done fairly quickly too because we already know the number of g or the number of foot-pounds of pressure that's exerted on a helmet in the case of a collision at 30 mph or less.

I am sure that the standards could be brought together fairly quickly and that the first models could be on the market by the fall, at which time the ministry could proclaim this particular section to amend the

Highway Traffic Act to make moped helmets compulsory. For sales between now and then, people could be told either that they could buy a motorcycle helmet now, or that they would be free to wait until the helmets were on the market. Retailers who were concerned could quite possibly say, "You give us \$25 now, and once the helmets become available and become compulsory, we will give you, for your \$25, a moped helmet which fits the regulations." I don't think it creates a really serious marketing problem if people are aware now that in a few months they're going to have to wear a helmet.

I would appreciate the minister's comments but this is a two-step kind of affair. Pass this amendment now; get going with the Canadian Standards Association to devise a standard in the next month; get the industry to start manufacturing them by the fall; and proclaim this section probably before Christmas.

**Mr. Chairman:** Any other comments?

**Mr. M. B. Dymond (Ontario):** Mr. Chairman, it is seldom that I find myself in agreement with a proposal made by my socialist friend but I would be professionally careless if I did not impress upon the minister—

**Mr. V. M. Singer (Downsview):** You are in trouble now.

**Mr. Chairman:** Order, please.

**Mr. Cassidy:** A welcome intervention, Mr. Chairman.

**Mr. T. P. Reid (Rainy River):** First time in eight years.

**Mr. Dymond:** I would be professionally careless if I did not impress upon the minister the need for government to give very careful consideration to this amendment.

I'm not at all impressed with the worry which seems to exist about interfering further with individual liberties. Governments all over the world are constantly interfering with individual liberties in matters of far less importance than one of this kind.

I'm not very impressed, either, with the lack of unanimity of opinion in respect to the value of helmets. My profession has probably been too silent on this matter although I'm quite sure that if the records were searched there would be plenty of medical and surgical statistical information not, perhaps, with specific reference to injuries arising out of moped accidents but related accidents.

All of them are worthy of consideration. Unfortunately, too few of those statistical records find their way into the popular press where governments and elected people will find them. Nonetheless, they do exist and I think the study presently under way or recently completed by the Ottawa hospitals is worthy of very careful and in-depth study.

The minister mentioned, of course, that a good deal has been said about headgear and helmets but that no standard has been proposed. The member for Ottawa Centre has, I think, covered that very clearly, Mr. Chairman, in my respectful opinion. This is one of the most simple matters to resolve and could be resolved very quickly.

I think the matter is of great enough public importance that the ministry itself might well commission a study to develop a helmet or a headgear, call it what one will, of a certain minimal acceptable standard. I'm quite sure if it were referred to the Ontario Research Foundation an answer could be had in a relatively short period of time. In this way the standards can be established and, as the member for Ottawa Centre pointed out, the amendment could be included in the bill to be proclaimed at a time when such standards had been found.

A good deal has been said about the possible monetary cost of these accidents and that's very important, there's no doubt about it. Mr. Chairman, I submit to you that we leave the money cost quite apart. If even one life can be saved by introducing a preventive measure of this kind or, even more seriously, if one human being can be prevented from becoming a vegetable—and many accidents of this kind convert otherwise normal people into human vegetables—or if even one person can be prevented from becoming injured as a result of this amendment, surely it is far more worthwhile than waiting to see what might happen and then amending the legislation.

I feel this is an amendment which is worthy of the support of this House.

**Mr. Chairman:** The member for Sudbury, then the member for Downsview.

**Mr. Germa:** Mr. Chairman, when I spoke at the beginning of this debate I said I was ambivalent regarding the wearing of hardhats as a protective device. I think the member from Ottawa solved my dilemma when I was speaking.

At that moment in time I was think of the huge affairs we now require for motorcycles. I was also thinking of the huge



affairs we require for people to wear when they are on snowmobiles. Certainly this type of hardhat would be unacceptable, I am sure, to a large group of people who would like to buy one of these mopeds.

I think the main part of the suggestion is that new standards should be set to devise a helmet which will fit the requirements, as set out by research, to protect a person on a vehicle going no faster than 30 mph. I would assume that this helmet would be of a different design, a different weight and a different structure from what you and I are thinking about when we think about these huge things that motorcycle operators are presently required to wear.

I think we all know enough about legislation that we cannot pass legislation just because we happen to think it is good for the public of the province. Otherwise, we would have abolished alcohol long ago. We know alcohol is a killer and alcohol serves no actual useful purpose in society, and yet we know that the public will not accept prohibition, so we have alcohol. That's the way all legislation has to be treated. You have to pass legislation which is acceptable to the community that you choose to legislate.

I think if the minister did get off his seat and get the research council to do some research in devising a helmet which would fit the bill here, he would then have no problem in encouraging people to wear it. I think six months should be enough time for them to devise a helmet. Look how rapidly we developed a helmet for hockey players, for instance, and the faceguard for goalkeepers. These things came on us rather suddenly.

I think that this helmet can be developed, since we have a standard helmet now for snowmobiles and motorcycles. It is a matter of engineering ourselves downward rather than upward. It would be difficult to go upward, but in this case we are engineering ourselves downward and I think it wouldn't be too difficult to devise a lighter, more acceptable helmet.

I find no difficulty, Mr. Chairman, in supporting this type of amendment having followed what the train of thought was as it relates to this legislation.

**Mr. Chairman:** The member for Downsview.

**Mr. Singer:** Mr. Chairman, I am quite prepared to support this amendment. I have sat here this afternoon and listened to the arguments and, as I listened to the argu-

ments and particularly the reply of the minister, I recalled a gentleman who was a member from Ottawa and a cabinet minister—he was the Minister of Transport and his name was Irwin Haskett. We argued with him over a long period of time, probably about three years, trying to convince him that there should be compulsory legislation in this province to make people who rode on motorcycles wear helmets.

Mr. Haskett gave about the same kind of answer that the present minister gave this afternoon. He said—well, no, he didn't; he was a little more positive, even—he said, "I don't think I know what kind of helmet it should be. Should it be a big one or a little one?" I can remember he used to posture very obviously. He shook his head and said, "You wouldn't expect me to tell people what to wear or how to clothe themselves? If I have to tell them what to wear on their heads, somebody might expect me to tell them what kind of shoes they should wear. What good is it going to do when there is going to be an interference with civil liberties?" All the same arguments "We have too much legislation," and so on.

I think it is important that we legislate for the safety of our citizens. I was particularly taken by the comments of the member for Ontario, who is a medical doctor, has listened to these arguments over a number of years, has been in the cabinet, and is a senior member of this Legislature. I set great store by what he says, and what he is seeing, and what his experience is, and the calm way in which he approaches most debates. I think the minister should pay particular attention to his front-bench colleague and listen to the words that have been put forward. I don't think it's impossible—any more impossible today than it was a few years ago—to design standards, or to have our experts tell us what kind of standards should be necessary for a helmet that will protect the health and well-being of people who drive or ride on mopeds. The minister doesn't have to decide it today, and there is ample time to finally bring this into effect—to proclaim it by regulation and to finalize the design.

All of our legislation reflects, surely, in some way or other, on the safety of our citizens. I don't hear the Minister of the Environment (Mr. W. Newman) say, "You're asking me to legislate about the environment and it's wrong, because I shouldn't be called upon to pass more legislation and tell people not to pollute the air, or tell people not to pollute the water." It's not wrong to have the Minister of Labour (Mr. MacBeth) tell



people not to have dangerous machines in their factories. Surely it's the responsibility of this minister to bring legislation before us that will protect people who use our roads and who use our roads with vehicles. There has been substantial evidence—medical evidence, that we have to be aware of—that these machines can be a danger to our citizens.

I don't think, Mr. Chairman, this is a radical kind of an amendment. It's in keeping with what we've done in other fields. It's in keeping with what we've done insofar as the use of the roads are concerned. I know this minister is far more advanced and reasonable in his thinking than was his predecessor, Irwin Haskett, and that, after a little more consideration, he will accept the amendment and we will take another step to protect our citizens.

**Mr. Chairman:** Is there any further discussion on this point?

The member for Middlesex South.

**Mr. R. G. Eaton (Middlesex South):** Mr. Chairman, I would like to say a few words on this. I think that probably some of the logic that has been put forth is quite reasonable. When we see what has happened in a couple of instances already, when a helmet might have saved someone, I probably think it's a reasonable approach to the thing.

I think the minister should be looking at some standards. He should be taking a look at this in the next very short while—reviewing it and bringing in an amendment to the legislation to make sure the proper standards and those sort of things apply—and not accepting an amendment at the present time when he is just not sure how it is going to apply. I suggest that he take a look at this and do something on it in the future.

**Mr. W. Ferrier (Cochrane South):** Mr. Chairman, I hate to take a little bit of time because I know the minister is now convinced that our arguments are sound—

**Hon. Mr. Rhodes:** There is lots of sound all right.

**Mr. Ferrier:** —and that we do, of course, need the amendment that my colleague has put forward, and that it can be put into the legislation, and that this section could be proclaimed six months hence, or at whatever time the minister agreed to do it.

The truth of the matter is that people will suffer head injuries unless they're wise

enough to wear a helmet. Certainly, as the minister said, some people will wear them, but a good many others will not and it will encourage a little bit more carelessness than need be without this amendment and without the requirement of some kind of helmet appropriate to the riders of these mopeds being developed and made available on the market for their protection.

We all know people in our communities—and often young people—who have been involved in some kind of an accident and suffered head injury—where they have, in fact, become human vegetables as, the hon. member for Ontario has stated. If we save one or two people in our province by requiring that they have protective headgear, then I think that we've served our people well. I hope the minister will agree to this amendment as proposed by my colleague.

**Mr. Chairman:** Is there any further discussion before the minister replies? The hon. minister.

**Hon. Mr. Rhodes:** Mr. Chairman, it has been an interesting discussion all afternoon. Strangely enough, I had an amendment all typed out and ready to move myself and then I listened to some of the debate earlier, especially the comments about the type of helmet and I thought "Ah, the light is dawning."

I'll be honest with you—I was prepared to bring in an amendment, originally, that would have said go ahead, put the helmets on, start to wear helmets immediately the way the helmets are now. But I thought there was a lot of logic in what was being said about the type of helmet so I let this thing go.

I appreciate the debate which has come out of this and it's been very interesting. My amendment was very simple. Yours is much more palatable to everybody I think. I think I could accept it. I wasn't too sure until my colleague on the front bench got up; then I was sure.

**Mr. Singer:** The one on the back bench.

**Mr. Ruston:** He was a former cabinet minister also.

**Hon. Mr. Rhodes:** I do respect his good judgement. I would ask, Mr. Chairman, if the hon. member would change the number of the section. I think it would be better for us if you could make it 4(a). I think this is what you fellows want. Call it 4(a), the amendment; it would make it easier. If you would just change that so the section would then read as—

**Mr. M. Gaunt (Huron-Bruce):** Your people say 5.

**Hon. Mr. Rhodes:** I may have to have a draw on it, because I have another one over here who says make it 4. Have you made up your mind over there? Pick a number—do you like 5?

**Mr. Chairman:** This will be 5(a) then. Is that agreed?

**Hon. Mr. Rhodes:** No, it won't be 5(a). It will be 5; a new section 5.

**Mr. Chairman:** A new section 5?

**Hon. Mr. Rhodes:** And we will remember accordingly.

**Mr. Cassidy:** Mr. Chairman, I would just point out a technicality to the minister. If you accept that you don't intend to proclaim this amendment for some period of months until you have a standard, you will need to change the bill later on in order to ensure that particular section can be proclaimed at a different time from the rest of the Act.

**Hon. Mr. Rhodes:** Correct. I think perhaps we'll have to change that in section 2, in order to—

**Mr. Cassidy:** Section 11.

**Hon. Mr. Rhodes:** Section 11. I want to comment a bit on the amendment.

I find the amendment very acceptable because I think it does two things. It gives us an opportunity to develop a helmet—or headgear, to use that expression—which can be used on these particular vehicles without pushing the panic button now and requiring everyone to run down to their nearest corner store, whatever it may be, and buy. I think the member for Ottawa Centre did talk about the types of helmets and that was one thing I think which was of most concern to those people—the capital outlay to buy that particular type of helmet and the real need, did you need the type of a helmet you would require, as was suggested, on a motorcycle or a snowmobile.

I think this is a good amendment. We are indicating that we think helmets or headgear should be worn. We want to develop the right kind of headgear so we won't have any problems with it.

**Mr. Cassidy:** I would like to welcome the minister's support and I am glad the amendment is going to be passed. I think we should say in the Legislature that clearly a motor-

cycle helmet will also be acceptable since it meets a higher standard.

**Hon. Mr. Rhodes:** Yes.

**Mr. Cassidy:** I hope that nobody who was buying a moped tomorrow and wants to have a helmet and wants protection now will be deterred from buying a motor bike helmet because moped helmets might be coming along later.

**Mr. G. Nixon (Dovercourt):** Right on.

**Hon. Mr. Rhodes:** No ban on using motor bike helmets.

**Mr. Cassidy:** This should be said as well. The wearing will become compulsory later.

**Mr. G. Nixon:** Very positive.

**Mr. Chairman:** Mr. Cassidy, we have a slight change in wording here then.

**Mr. Cassidy:** Sure.

**Hon. Mr. Rhodes:** I would like to propose this amendment in order to meet what I suppose is some legalese.

Hon. Mr. Rhodes moves that section 5, subsection 1, of section 62 of the said Act be amended by inserting after "motorcycle" in the first line "or motor-assisted bicycle" and renumbering sections 5 to 12 as sections 6 to 13 respectively.

**Mr. Chairman:** We understand, Mr. Cassidy, this meets your particular original one.

**Mr. Singer:** A very clear amendment, that one.

**Mr. Cassidy:** That is fine by us, that is simply putting in legal language the proposal I put forward when we were still hoping for the minister's support.

**Mr. W. Hodgson (York North):** We are lucky to have you.

**Mr. Chairman:** Shall this amendment then carry?

Section 5, as amended, agreed to.

**Mr. Chairman:** The next section then shall be section 6. Anything further on this particular bill?

**Hon. Mr. Rhodes:** The whole Act is carried now isn't it?

**Mr. J. R. Breithaupt (Kitchener):** Mr. Chairman, as the member for Ottawa Centre has said, there is the particular difficulty of

proclamation, which you will want to sort out.

**Hon. Mr. Rhodes:** Mr. Chairman, if there is no other discussion on any other section of the bill before 12, I would like to amend the new section 12.

Sections 6 to 11, inclusive, agreed to.

On section 12:

**Hon. Mr. Rhodes:** I move that section 12 of the bill be repealed and the following substituted therefor:

"This Act, except subsections 2"—I wish I could read your writing, fellows—"sections 2, 1, and 10 of section"—

**Mr. Ruston:** You'd better get some new legal people.

**Mr. Chairman:** Is the committee willing to agree with the wording the minister can't read?

**Hon. Mr. Rhodes:** I think we can get it right.

**Hon. Mr. Rhodes** moves that the Act, except subsections 2 and 3 of section 1, and sections 3, 4, 5, 7, 10 and 11, comes into force on the day it receives royal assent; and that subsections 2 and 3 of sections 1, and sections 3, 4, 5, 7, 10 and 11, come into force on the day to be named by proclamation of the Lieutenant Governor.

**Mr. Chairman:** Shall these amendments carry?

**Mr. Cassidy:** Mr. Chairman, I'm a bit confused because that changes a whole lot of sections and not just the new section 5. I don't quite understand.

I wonder if the minister could explain why the difference in dates on the other ones. Is he able to take sections 2, 3, 4, 7, 10, and 11 and proclaim them on one date different from the Act, and then take 5, which is the one that is going to take longest, and proclaim it on another date; or doesn't he have to bring all of those six or seven sections that are enumerated and proclaim them at the same time?

**Hon. Mr. Rhodes:** What we are proposing under the first part of that was to get the new moped definition, the age, no passengers, the municipal bylaws empowering a ban on highways with speed limits over 50 mph—to have those come into effect with royal assent; we wanted them right away.

Because it is going to take us some time to develop the licence plate that we want,

the licensing form for drivers, and the other factors that are mentioned here, they will come with proclamation, as would the mandatory helmets, when they are designed, by regulation.

**Mr. Cassidy:** You can do all of those individually, not all at the same time.

**Hon. Mr. Rhodes:** Yes.

**Mr. Ruston:** Not until after the election.

**Hon. Mr. Rhodes:** I don't want to let that go by. If the hon. member for Essex-Kent is capable of devising that helmet within the next number of days, before the election, you get it to me.

**Mr. Breithaupt:** How big is the number?

**Mr. Cassidy:** I reject the spirit of that comment as well.

**Hon. Mr. Rhodes:** Always give me the number.

**Mr. Chairman:** Order, please!

**Mr. Cassidy:** On a point of order, I think we have decided to bring the helmets in when they can be introduced, and that all parties have agreed that should be done regardless of the election date.

Section 12, as amended, agreed to.

**Mr. Chairman:** Shall the bill be reported?

Bill 129, as amended, reported.

**Hon. Mr. Winkler** moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House reports one bill with certain amendments and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 103, an Act to amend the Superannuation Act.

### CITY OF TORONTO ACT

**Mr. Wardle** moves second reading of Bill Pr33, an Act respecting the City of Toronto.



**Mr. Speaker:** The member for Beaches-Woodbine.

**Mr. T. A. Wardle (Beaches-Woodbine):** Mr. Speaker, this is the first section only of the bill originally presented to amend the term of office of members of the executive committee. This is the first request to the city of Toronto. In 1969, the city obtained special legislation which provided for the establishment of an executive committee of the council. That legislation provided that members of the executive committee would hold office for three years, which at the relevant date corresponded with the term of office of the council. In 1972, the Municipality of Metropolitan Toronto Act was amended so as to provide that in every area municipality, which would include the city, election of candidates for council would be held in the year 1972 and every second year thereafter. Council wishes to amend the city's special legislation so it will conform to the amendment to the Municipality of Metropolitan Toronto Act and the Municipal Elections Act, 1972, which prevail.

The second part deals with the resignation of a member of the executive committee. In 1969, the special legislation obtained by the city respecting the establishment of the executive committee of council provided that, where an alderman resigned from the executive committee, he would be deemed to have resigned his office and his seat in council. It is the view of council that this restriction is undesirable and should be removed so that an alderman would not have to resign from council if he chooses to resign from the executive committee. As you know, Mr. Speaker, the executive committee replaced the former board of control in the city of Toronto. This is the only part of this Pr33 which is before the House.

**Mr. Speaker:** The member for Ottawa Centre.

**Mr. M. Cassidy (Ottawa Centre):** I beg to differ with the member for Beaches-Woodbine, Mr. Speaker. I'll need your guidance on procedure on how to do it. It has never been done before. On behalf of the New Democratic Party, I have a reasoned amendment to the motion for second reading of Bill Pr33, An Act respecting the City of Toronto, which appears on the order paper, which is where it is meant to be. Do I simply read it in order to move it and can I then proceed to discuss it?

**Mr. Speaker:** Yes, you may read it while I read it.

Mr. Cassidy moves as a reasoned amendment that the bill be not now read a second

time but be referred back to the private bills committee in order that the section of the bill relating to rent control, which was contained in the original application to the city of Toronto, can be restored.

**Mr. Speaker:** I am advised that the motion is out of order because the matter referred to herein has already been dealt with by the House and therefore cannot be raised again at this time. I rule that your reasoned amendment is out of order.

**Mr. Cassidy:** On a point of order, Mr. Speaker. Perhaps you could explain at what time the House dealt with the matter referred to in the reasoned amendment, apart from first reading.

**Mr. Speaker:** That's right. I am just reminded that it was dealt with by the House when the committee's report which made the appropriate recommendation was adopted by the House. It was adopted by the House. Therefore the matter is closed in that respect. The motion is for second reading of the bill.

**Mr. Cassidy:** Mr. Speaker, on a point of order.

**Mr. W. Hodgson (York North):** The member was away that day.

**Mr. Cassidy:** It seems to me that the report of the committee then is followed by the relevant consideration of the various private bills.

**Mr. Speaker:** No. The bill was adopted by the House as it is printed and as it exists now.

**Mr. Cassidy:** I would like to move the adjournment of the House for the supper hour, Mr. Speaker, and consult with our procedural authorities on that particular matter, because it seems to me that this is—

**Mr. Speaker:** I have made the ruling. If you wish to challenge the Speaker's ruling, that's up to you.

**Mr. Cassidy:** I would like to talk for a bit first, Mr. Speaker, on the point of order.

**Mr. Speaker:** My ruling is not debatable. The hon. member knows that. If you wish to challenge it, you may do so by calling for a vote.

**Mr. Cassidy:** I move that the House adjourn for supper.

**Mr. Speaker:** No. We don't need to move that.

**Mr. Cassidy:** I would call the Speaker's attention to the clock then.

**Mr. Speaker:** I'll see the clock. I place the motion for second reading of Bill Pr33.

**Mr. Cassidy:** Mr. Speaker, is there a quorum?

**Mr. Speaker:** No. Your motion is out of order. I recognize the clock.

**Mr. Cassidy:** In that case, I challenge the Speaker's ruling.

**Mr. Speaker:** All right. Those in favour—

**Mr. Cassidy:** On a point of order, Mr. Speaker; this can be embarrassing.

**Mr. Speaker:** I understand.

**Mr. Cassidy:** I was trying to be reasonable and not to enter into discussion of your ruling.

**Mr. Speaker:** I understand, but it's a very firm rule in the House that matters dealt with cannot be raised again and I ruled that the matter has been dealt with.

Those in favour of the Speaker's ruling—

**Mr. Cassidy:** I challenge the Speaker's ruling—

**Mr. Speaker:** That is exactly what—would the hon. member take his seat? That's exactly what I am doing this at the present time.

**Mr. W. Hodgson:** Sit down! Have a little respect for the Speaker.

**Mr. Cassidy:** Is there a quorum in the House, Mr. Speaker?

**Mr. Speaker:** I am dealing with the motion first of all. Those in favour—would the member take his seat?

**Mr. Cassidy:** Mr. Speaker—

**Mr. Speaker:** Would the member take his seat!

**Mr. Cassidy:** This matter is too important—

**Mr. Speaker:** No, this matter has been—

**Mr. Cassidy:** —to be bulldozed by you.

**Mr. Speaker:** This matter has been dealt with. Will the member—

**Mr. Cassidy:** I am sorry. This is too important. I've asked for reasonable treatment by this House. This matter affects tenants across the province and we simply cannot do it this way.

**Mr. Speaker:** Order, please. Now the member has a requirement—

**Mr. Cassidy:** I am asking time to go to procedural authorities and the leader of the New Democratic Party in order to see whether the Speaker's ruling is right on this debate.

**Mr. Speaker:** Order, please.

**Mr. Cassidy:** If it's not—

**Mr. Speaker:** Order, please.

**Mr. Cassidy:** It the Speaker intends—

**Mr. Speaker:** Order, please. I have listened to enough. I hereby name the hon. member for Ottawa Centre and ask him to be removed from the House.

**Mr. Cassidy:** You can name me as often as you like, but this matter affects tenants—

**Mr. Speaker:** Order, please.

**Mr. Cassidy:** It's past 6 o'clock. You have refused to look at the—

**Mr. Speaker:** Order, order.

**Mr. Cassidy:** You have refused to—

Interjections by hon. members.

**Mr. Speaker:** Will the hon. member please accompany the—

**Mr. Cassidy:** If you adjourn the House, Mr. Speaker—

**Mr. Speaker:** No.

**Mr. Cassidy:** This is stifling the House, Mr. Speaker. You are just abusing the power of the House.

**Mr. W. Hodgson:** The member is.

An hon. member: Not at all.

**Mr. Speaker:** No, I am dealing with this matter. Will the Sergeant at Arms please accompany the hon. member from the House.

Order, please.

Interjections by hon. members.

An hon. member: You are abusing it.

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, on a point of order.

**Mr. Speaker:** Yes.

**Mr. Germa:** I do not see a quorum.

An hon. member: Acknowledge the clock, Mr. Speaker.

**Mr. Speaker:** I was just about to acknowledge the clock. We will continue with this bill after the recess.

It being 6 o'clock, p.m., the House took recess.

## APPENDIX

ALPHABETICAL LIST OF MEMBERS OF THE  
LEGISLATIVE ASSEMBLY OF ONTARIO

(117 members)

## Fifth Session of the Twenty-Ninth Parliament

Speaker: Hon. Russell Daniel Rowe

Clerk of the House: Roderick Lewis, QC

Member	Party	Constituency
Allan, James N. ....	PC	Haldimand-Norfolk
Apps, C. J. S. ....	PC	Kingston and the Islands
Auld, Hon. James A. C. ....	PC	Leeds
Bales, Dalton A. ....	PC	York Mills
Beckett, Hon. Dick ....	PC	Brantford
Belanger, J. Albert ....	PC	Prescott and Russell
Bennett, Hon. Claude ....	PC	Ottawa South
Bernier, Hon. Leo ....	PC	Kenora
Birch, Hon. Margaret ....	PC	Scarborough East
Bounsall, Ted ....	NDP	Windsor West
Braithwaite, Leonard A. ....	L	Etobicoke
Breithaupt, James R. ....	L	Kitchener
Brunelle, Hon. Rene ....	PC	Cochrane North
Bullbrook, James E. ....	L	Sarnia
Burr, Fred A. ....	NDP	Sandwich-Riverside
Campbell, Margaret ....	L	St. George
Carruthers, Alex ....	PC	Durham
Carton, Gordon R. ....	PC	Armourdale
Cassidy, Michael ....	NDP	Ottawa Centre
Clement, Hon. John T. ....	PC	Niagara Falls
Davis, Hon. William G. ....	PC	Peel North
Davison, Norm ....	NDP	Hamilton Centre
Deacon, Donald M. ....	L	York Centre
Deans, Ian ....	NDP	Wentworth
Downer, Rev. A. W. ....	PC	Dufferin-Simcoe
Drea, Frank ....	PC	Scarborough Centre
Dukszta, Dr. Jan ....	NDP	Parkdale
Dymond, Dr. Matthew B. ....	PC	Ontario
Eaton, Robert G. ....	PC	Middlesex South
Edighoffer, Hugh ....	L	Perth
Evans, D. Arthur ....	PC	Simcoe Centre
Ewen, Donald Wm. ....	PC	Wentworth North
Ferrier, Rev. William ....	NDP	Cochrane South
Foulds, James F. ....	NDP	Port Arthur
Gaunt, Murray ....	L	Huron-Bruce
Germa, Melville C. ....	NDP	Sudbury
Gilbertson, Bernt ....	PC	Algoma
Gisborn, Reg. ....	NDP	Hamilton East
Givens, Philip G. ....	L	York-Forest Hill
Good, Edward R. ....	L	Waterloo North
Grossman, Hon. Allan ....	PC	St. Andrew-St. Patrick



Member	Party	Constituency
Haggerty, Ray .....	L	Welland South
Hamilton, Maurice .....	PC	Renfrew North
<b>Handleman, Hon. Sidney B.</b> .....	PC	Carleton
Havrot, Edward M. ....	PC	Timiskaming
Henderson, Lorne C. ....	PC	Lambton
Hodgson, R. Glen .....	PC	Victoria-Haliburton
Hodgson, William .....	PC	York North
<b>Irvine, Hon. Donald R.</b> .....	PC	Grenville-Dundas
Jessiman, James H. ....	PC	Fort William
Johnston, Robert M. ....	PC	St. Catharines
Kennedy, R. Douglas .....	PC	Peel South
Kerr, Hon. George A. ....	PC	Halton West
Lane, John .....	PC	Algoma-Manitoulin
Laughren, Floyd .....	NDP	Nickel Belt
Lawlor, Patrick D. ....	NDP	Lakeshore
Leluk, Nicholas G. ....	PC	Humber
Lewis, Stephen .....	NDP	Scarborough West
<b>MacBeth, Hon. John P.</b> .....	PC	York West
MacDonald, Donald C. ....	NDP	York South
Maeck, Lorne .....	PC	Parry Sound
Martel, Elie W. ....	NDP	Sudbury East
McIlveen, Dr. Charles E. ....	PC	Oshawa
McKeough, Hon. W. Darcy .....	PC	Chatham-Kent
McNeil, Ronald K. ....	PC	Elgin
McNie, Hon. Jack .....	PC	Hamilton West
Meen, Hon. Arthur K. ....	PC	York East
Miller, Hon. Frank S. ....	PC	Muskoka
Morningstar, Ellis P. ....	PC	Welland
Morrow, Donald H. ....	PC	Ottawa West
Newman, Bernard .....	L	Windsor-Walkerville
<b>Newman, Hon. William</b> .....	PC	Ontario South
Nixon, George .....	PC	Dovercourt
Nixon, Robert F. ....	L	Brant
Nuttall, Dr. W. J. ....	PC	Frontenac-Addington
Parrott, Dr. Harry C. ....	PC	Oxford
Paterson, Donald A. ....	L	Essex South
<b>Potter, M.D., Hon. Richard T.</b> .....	PC	Quinte
Reid, T. Patrick .....	L-Lab	Rainy River
Reilly, Leonard M. ....	PC	Eglinton
Renwick, James A. ....	NDP	Riverdale
Reuter, Allan E. ....	PC	Waterloo South
<b>Rhodes, Hon. John R.</b> .....	PC	Sault Ste. Marie
Riddell, John .....	L	Huron
Rollins, Clarke T. ....	PC	Hastings
Root, John .....	PC	Wellington-Dufferin
<b>Rowe, Hon. Russell D.</b> .....	PC	Northumberland
Roy, Albert J. ....	L	Ottawa East
Ruston, Richard F. ....	L	Essex-Kent
Samis, George .....	NDP	Stormont
Sargent, Edward .....	L	Grey-Bruce
Scrivener, Mrs. Margaret .....	PC	St. David
Shulman, Dr. Morton .....	NDP	High Park

Member	Party	Constituency
Singer, Vernon M. ....	L	Downsview
Smith, Gordon E. ....	PC	Simcoe East
Smith, John R. ....	PC	Hamilton Mountain
Smith, Richard S. ....	L	Nipissing
Snow, Hon. James W. ....	PC	Halton East
Spence, John P. ....	L	Kent
Stewart, Hon. Wm. A. ....	PC	Middlesex North
Stokes, Jack E. ....	NDP	Thunder Bay
Taylor, P. ....	L	Carleton East
Taylor, James A. ....	PC	Prince Edward-Lennox
Timbrell, Hon. Dennis R. ....	PC	Don Mills
Turner, John M. ....	PC	Peterborough
Villeneuve, Osie F. ....	PC	Glengarry
Walker, Gordon W. ....	PC	London North
Wardle, Thomas A. ....	PC	Beaches-Woodbine
Welch, Hon. Robert ....	PC	Lincoln
Wells, Hon. Thomas L. ....	PC	Scarborough North
White, Hon. John ....	PC	London South
Winkler, Hon. Eric A. ....	PC	Grey South
Wiseman, Douglas J. ....	PC	Lanark
Worton, Harry ....	L	Wellington South
Yakabuski, Paul J. ....	PC	Renfrew South
Yaremko, John ....	PC	Bellwoods
Young, Fred ....	NDP	Yorkview

## MEMBERS OF THE EXECUTIVE COUNCIL

HON. WILLIAM G. DAVIS	<i>Premier and President of the Council</i>
HON. ROBERT WELCH	<i>Minister of Culture and Recreation</i>
HON. ALLAN GROSSMAN	<i>Provincial Secretary for Resources Development</i>
HON. WILLIAM A. STEWART	<i>Minister of Agriculture and Food</i>
HON. JAMES A. C. AULD	<i>Minister of Colleges and Universities</i>
HON. RENE BRUNELLE	<i>Minister of Community and Social Services</i>
HON. THOMAS L. WELLS	<i>Minister of Education</i>
HON. JOHN WHITE	<i>Minister without Portfolio</i>
HON. GEORGE A. KERR	<i>Solicitor General</i>
HON. LEO BERNIER	<i>Minister of Natural Resources</i>
HON. ERIC A. WINKLER	<i>Chairman of the Management Board of Cabinet</i>
HON. JAMES W. SNOW	<i>Minister of Government Services</i>
HON. RICHARD T. POTTER	<i>Minister of Correctional Services</i>
HON. JOHN T. CLEMENT	<i>Provincial Secretary for Justice and Attorney General</i>
HON. JACK MCNIE	<i>Minister without Portfolio</i>
HON. MARGARET BIRCH	<i>Provincial Secretary for Social Development</i>
HON. CLAUDE BENNETT	<i>Minister of Industry and Tourism</i>
HON. W. DARCY MCKEOUGH	<i>Treasurer of Ontario, Minister of Economics and Intergovernmental Affairs</i>
HON. ARTHUR K. MEEN	<i>Minister of Revenue</i>
HON. WILLIAM NEWMAN	<i>Minister of the Environment</i>
HON. SIDNEY B. HANDLEMAN	<i>Minister of Consumer and Commercial Relations</i>
HON. FRANK S. MILLER	<i>Minister of Health</i>
HON. JOHN R. RHODES	<i>Minister of Transportation and Communications</i>
HON. DONALD R. IRVINE	<i>Minister of Housing</i>
HON. DENNIS R. TIMBRELL	<i>Minister of Energy</i>
HON. JOHN P. MACBETH	<i>Minister of Labour</i>
HON. DICK BECKETT	<i>Minister without Portfolio</i>

**PARLIAMENTARY ASSISTANTS**

- Mr. John R. Smith (Assistant to the Minister of Education)
- Mr. Leonard M. Reilly (Assistant to the Minister of Industry and Tourism)
- Mr. Gordon W. Walker (Assistant to the Minister of Health)
- Mr. Robert G. Eaton (Assistant to the Minister of Agriculture and Food)
- Mr. D. Arthur Evans (Assistant to the Minister of Energy)
- Mr. Lorne Maeck (Assistant to the Minister of Natural Resources)
- Dr. Harry C. Parrott (Assistant to the Minister of Colleges and Universities)
- Mrs. Margaret Scrivener (Assistant to the Minister of Housing)
- Mr. Frank Drea (Assistant to the Minister of Consumer and Commercial Relations)
- Mr. John M. Turner (Assistant to the Provincial Secretary for Justice and Attorney General, and acting Solicitor General)
- Mr. Nicholas G. Leluk (Assistant to the Minister of Culture and Recreation)
- Dr. Charles E. McIlveen (Assistant to the Minister of Transportation and Communications)



## CONTENTS

---

Thursday, July 10, 1975

Pickering airport, statement by Mr. Rhodes .....	3833
Pickering airport, questions of Mr. Rhodes: Mr. R. F. Nixon, Mr. Lewis, Mr. W. Hodgson, Mr. Deacon, Mr. Cassidy, Mr. Singer .....	3835
Removal of sales tax from automobiles, questions of Mr. McKeough: Mr. R. F. Nixon, Mr. Roy .....	3838
White-tailed deer, question of Mr. Grossman: Mr. R. F. Nixon .....	3839
Pickering airport, questions of Mr. Rhodes: Mr. Lewis, Mr. R. F. Nixon .....	3839
Rent controls, question of Mr. Irvine: Mr. Lewis .....	3840
Co-operative housing, question of Mr. Irvine: Mr. Lewis .....	3841
Provincial health conference, question of Mr. Miller: Mr. Lewis .....	3841
Commission on the Legislature, question of Mr. Winkler: Mr. Lewis .....	3842
Sharing of schools in Metropolitan Toronto, statement by Mr. Wells .....	3842
Sharing of schools in Metropolitan Toronto, question of Mr. Wells: Mr. R. F. Nixon .....	3843
OMB hearing in Hamilton, question of Mr. McKeough: Mr. Deans .....	3843
Ottawa-Carleton detention centre, questions of Mr. Kerr: Mr. Roy, Mr. P. Taylor ....	3844
Health and safety standards at Elliot Lake, question of Mr. Miller: Mr. Martel .....	3844
Assessment Act change, question of Mr. Meen: Mr. Shulman .....	3845
Noise pollution, question of Mr. Newman: Mr. Riddell .....	3846
Timmins bypass, question of Mr. Rhodes: Mr. Ferrier .....	3846
Beef calf income stabilization programme, question of Mr. Grossman: Mr. Reid .....	3847
Tabling cost data re beef calf income stabilization programme, Mr. Eaton .....	3847
Nipissing homes for the aged, question of Mr. Brunelle: Mr. R. S. Smith .....	3847
Egg board resignation, question of Mr. Grossman: Mr. Gaunt .....	3848
Non-returnable containers, question of Mr. W. Newman: Mr. Foulds .....	3848
Interim report, standing public accounts committee, Mr. Reid .....	3848
Teachers' Superannuation Amendment Act, Mr. Wells, first reading .....	3848
Development Corporations Amendment Act, Mr. Bennett, first reading .....	3848
Municipal Amendment Act, Mr. McKeough, first reading .....	3849
Dog Licensing and Live Stock and Poultry Protection Amendment Act, Mr. Stewart, first reading .....	3849
Highway Traffic Amendment Act, Mr. Rhodes, second reading .....	3849

---

Highway Traffic Amendment Act, reported .....	3867
Third reading, Bill 103 .....	3878
City of Toronto Act, Mr. Wardle, on second reading .....	3878
Recess .....	3880
Appendix: Alphabetical list of the members of the Legislative Assembly of Ontario .....	3881



# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, July 10, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 10, 1975

The House resumed at 8:03 o'clock, p.m.

## CITY OF TORONTO ACT (concluded)

**Mr. Speaker:** When we rose at 6 o'clock we were dealing with second reading of Bill Pr33. Are there other people to speak to this?

The hon. member for Wentworth.

**Mr. I. Deans (Wentworth):** I have read rule 41 of the legislative assembly of Ontario standing orders for a discussion I had just a moment ago with the Clerk. It is unusual for a reasoned amendment to be put before the House on the matter of a private bill. It isn't something that I can recall in the eight years I have been here and I think every member of the House can appreciate my colleague's unwillingness to accept the ruling.

**Mr. W. Hodgson (York North):** Nobody but the member.

**Mr. Deans:** I would suspect, Mr. Speaker, that, in fact, there are others who could accept the unwillingness to accept the ruling, recognizing that this is not a matter which any member of this House has dealt with in eight years. But the normal procedure, sir, if I can put it to you, is that a reasoned amendment can be made pursuant to any debate on second reading of any bill before the House.

In the case of a private bill, a slightly different procedure pertains in that a reasoned amendment or an amendment of any kind would normally have had to be made at the time the bill was reported, but since this procedure hasn't been used previously, I think the Speaker, and any other member of the House who thinks seriously about it, would appreciate that it would be extremely difficult for any member to have come to that conclusion on the basis of the normal rules of procedure as they have been applied over the last two sessions of the Legislature.

**Mr. R. G. Eaton (Middlesex South):** That isn't an excuse for his behaviour.

**Mr. Deans:** I am asking—

**Mr. E. J. Bounsall (Windsor West):** We're not debating that.

**Mr. Speaker:** Order, please.

**Mr. Deans:** I am not suggesting—

**Mr. W. Ferrier (Cochrane South):** Those fellows are pretty self-righteous.

**Mr. Deans:** I want to ask for two things.

**Mr. W. Hodgson:** One learns that in Sunday school.

**An hon. member:** I saw it, I was here.

**Mr. Speaker:** Order, please. The hon. member for Wentworth—order, please. The member for Wentworth.

**Mr. Ferrier:** If the member for Middlesex South keeps talking like that, he will get me on the front page of the paper at home again.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** The hon. member is out of order. The ruling of the Speaker is not debatable.

**Mr. Deans:** Mr. Speaker, I have risen on a point of order for clarification.

**Mr. W. Hodgson:** He can't defend his colleague.

**Mr. Ferrier:** Sure we can.

**Mr. Deans:** I want to ask you, Mr. Speaker, if you wouldn't agree that in any other piece of legislation, arriving at the point of second reading, it would have been appropriate for a reasoned amendment to have been considered at that point in any other piece. Since the practice of dealing with private bills being reported has never taken into account reasoned amendments in my time in the House—which is eight years—it's understandable that my colleague might well have been in error. But what he did was quite in keeping with any normal procedure of dealing with second readings and he has challenged you because he didn't understand the ruling.

**Mr. J. M. Turner** (Peterborough): The member should have explained it to him.

**Mr. A. J. Roy** (Ottawa East): That is not so.

**Mr. Eaton:** How many times does he have to be told by the Speaker?

**Mr. Deans:** I would ask—

**Hon. Mr. Grossman:** If a member doesn't understand it, he takes the word of the Speaker.

**An hon. member:** He knows that.

**Mr. Deans:** Except that wherever there is a doubt, a member has the right to challenge. I want to suggest to you that from my reading of the Instant Hansard, the member for Ottawa Centre (Mr. Cassidy) stated it within something less than two minutes. I can't tell exactly the entire length of time but it was within less than two minutes; he stated it immediately after. Let me read it to you. Mr. Cassidy rose at what was reported to be 5:55 and he said:

Mr. Cassidy: I beg to differ with the member for Beaches-Woodbine, Mr. Speaker. [At that point he wasn't speaking to the Speaker but rather to the member for Beaches-Woodbine (Mr. Wardel).] I'll need your guidance on procedure in how to do it. I've never done it before but on behalf of the New Democratic Party, I have a reasoned amendment to the motion for second reading of Bill Pr33, An Act respecting the City of Toronto and which appears on the order paper which is where it is meant to be. Do I simply read it in order to move it? Can I then proceed it to discuss it?

**Mr. Speaker:** Yes, you may read it while I read it.

**Mr. Cassidy:** Thank you. I would move, then, as a reasoned amendment that the bill be not now read a second time but be referred back to the private bills committee in order that the section of the bill relating to rent control, which was contained in the original application to the City of Toronto, can be restored.

**Mr. Speaker:** I am advised that the motion is out of order because the matter referred to herein has already been dealt with by the House and therefore cannot be raised again at this time so I rule your reasoned amendment is out of order.

**Mr. Cassidy:** [This is the first time he has addressed himself directly to the Speaker.] On a point of order, Mr. Speaker. Perhaps you could explain at what time the House dealt with the matter referred to in the reasoned amendment apart from first reading.

**Mr. Speaker:** That's right. I am just reminded that it was dealt with by the House when the committee report was adopted by the House which made the appropriate recommendation. It was adopted by the House; therefore the matter is closed in that respect. The motion is for second reading of—

**Mr. Cassidy:** Mr. Speaker, on a point of order—[Again he is on a point of order.]

**Mr. Roy:** The member is not going to read all that, is he?

**Mr. Deans:** I am.

**Mr. Roy:** Is he going to read the whole thing?

**Mr. W. Hodgson:** The member for Wentworth should sit down while he is still ahead.

**Mr. Deans:** To continue.

**Mr. W. Hodgson:** You were away that day.

**An hon. member:** He is never away.

**Mr. Deans:** To continue:

**Mr. Cassidy:** It seems to me [and he is again on his point of order] that the report of the committee then is followed by the relevant consideration of the various private bills.

**Mr. Speaker:** No, no, the report was adopted by—the bill was adopted by the House as it is printed and as it exists now. So—

**Mr. Cassidy:** I would like to move the adjournment of the House for the supper hour, Mr. Speaker, and consult with our procedural authorities on that particular matter because it seems to me that this is—

**Mr. Deans:** That was in order, by the way.

**Clerk of the House:** No, it wasn't.

**Mr. Deans:** And a movement for adjournment is always in order; any movement for adjournment is in order; I'll quote—



**Mr. T. P. Reid (Rainy River):** The Speaker was on his feet.

**Mr. Deans:** To continue.

**Mr. Speaker:** I have made the ruling. If you wish to challenge the Speaker's ruling, why, that's up to you.

**Mr. Cassidy:** I would like to talk about it for a bit first, Mr. Speaker, on the point of order. At the time—

**Mr. Speaker:** Really, my ruling is not debatable. The hon. member knows that. If you wish to challenge it, you may—

**Mr. R. D. Kennedy (Peel South):** The Speaker is right on, isn't he?

**Mr. Deans:** Wait a minute. This is very short. It sounds a lot longer than it was. It's very short.

**Mr. Kennedy:** It sure does.

**Mr. W. Hodgson:** Why doesn't he stop apologizing for the member?

**Mr. J. F. Foulds (Port Arthur):** Why don't they listen over there for a change?

**Mr. Speaker:** Order, please.

**Mr. Foulds:** Those guys provoked us.

**Mr. Speaker:** Order.

**An hon. member:** Provoke the member for Port Arthur? We haven't said a word.

Interjections by hon. members.

**Mr. Deans:** Mr. Speaker, if I may, it is important to me. It may not be important to anyone else, but I can't help that.

**Mr. G. W. Walker (London North):** The member was a naughty boy.

**Mr. Deans:** To continue:

**Mr. Speaker:** If you wish to challenge it, you may do so by calling for a vote.

**Mr. Cassidy:** I move that the House adjourn for supper.

**Hon. Mr. Grossman:** The hon. member is out of order. He is not in his own seat; he's out of order.

**Mr. Deans:** Mr. Speaker responded by saying:

**Mr. Speaker:** No, we don't need to move for that.

**Mr. Cassidy:** I would call the Speaker's attention to the clock then, Mr. Speaker.

**Mr. Deans:** At this point, he has done nothing that is either improper or even irregular.

**Mr. Roy:** The member for Wentworth should have been here and watched him.

**Mr. Deans:** I don't need the help of my friend, the member for Ottawa East.

**Mr. Roy:** Well, the member for Wentworth should have been here.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Deans:** It continues:

**Mr. Speaker:** I see the clock. I place the motion for second reading—

**Mr. Cassidy interjected.** Mr. Speaker said, "No, your motion is out of order. Mr. Cassidy then said, "In that case, I challenge the Speaker's ruling."

At that point, Mr. Speaker, I stop. Because up until that point the member for Ottawa Centre had not broken a rule.

**Mr. W. Hodgson:** He had.

**Mr. Deans:** He had asked for guidance.

**Mr. W. Hodgson:** He had. The member for Wentworth wasn't here.

**Mr. Deans:** He had attempted to move a motion —

**Mr. Ferrier:** The member for York North better watch out, or he will lose his job.

**Mr. Speaker:** Order, please. Order.

**Mr. Deans:** He had attempted to move a motion which was out of order. He had asked for assistance, and he then challenged the Speaker's ruling. At that point, sir, I must say to you that whatever went on beyond the moment of having said that is irrelevant.

Interjections by hon. members.

**Mr. W. Hodgson:** The member can twist it as he likes.

**Mr. Deans:** It is irrelevant because the challenge was made and the Speaker's obligation at that point, if I may, was then to put the challenge to the floor.

**Mr. Roy:** He wouldn't give him a chance to do that.

**Mr. Deans:** No, but Mr. Speaker—

**Mr. Reid:** The Speaker was on his feet all the time.

**An hon. member:** That's right.

**Mr. Deans:** Wait a minute. At that point Mr. Speaker said, "All right, those in favour." And that's where it should have ended. I appreciate the difficulty in dealing with an unusual situation—and it was an unusual situation.

**Mr. Kennedy:** He's a pretty unusual guy.

**Mr. Deans:** And I appreciate, as you do, Mr. Speaker, the difficulty in dealing in the heat of the moment with what a person firmly believed to be his right and the right of the House to consider.

**Mr. W. Hodgson:** He has never considered anyone.

**Mr. Deans:** I put it to you, Mr. Speaker, that it is the responsibility of a member if he or she feels sufficiently strongly about a ruling to challenge that ruling.

**Mr. Roy:** Well, why didn't he give the Speaker a chance?

**Mr. Deans:** And I put to you, Mr. Speaker, that once the challenge was made, whatever was said beyond that was of no consequence. In fact, the challenge is not debatable.

**Mr. Roy:** Oh, come on.

**Mr. W. Hodgson:** Sit down.

**Mr. Eaton:** The member thinks he can stand up and say anything he wants afterwards.

**Mr. Speaker:** Order, please. The hon. member will continue.

**Mr. Deans:** And I ask you then, sir, in light of what went on up to the point where the challenge was made, if you would consider two matters. One is the putting of the challenge.

I point out, by the way, that there was only a brief exchange beyond that point to the point where the challenge was again put to the Speaker. Since the page of transcript shows that it was beyond 6 o'clock by the record of Hansard—which is the record of the Legislature—I wonder, Mr. Speaker, whether the matter of expulsion of the member for Ottawa Centre might be reconsidered.

**Mr. Reid:** Mr. Speaker, may I speak to that point of order? I'll be brief, Mr. Speaker. I happened to be in the House when the

whole matter took effect, and while I might have some sympathy for the member for Ottawa Centre it has appeared to me over the years—

**Mr. Deans:** That's not in question.

**Mr. L. C. Henderson (Lambton):** Order. Keep quiet.

**Mr. Deans:** What happened over the years.

**Mr. Reid:** The member has taken 15 minutes. If I may, Mr. Speaker, I've listened to the House leader for the NDP. I would hope he would do me the courtesy of listening to what I have to say.

I was present in the House when the whole matter took effect. One of the more important points, I think, that the House leader of the NDP left out was the fact that the Speaker was on his feet and that he called the member to order constantly.

**Hon. Mr. Grossman:** He was out of order.

**Mr. Deans:** Not so, Mr. Speaker, on a point of order.

**Mr. W. Hodgson:** The member wasn't here.

**Mr. Deans:** That's not what appeared in Hansard.

**Mr. Roy:** That may be. That is what happened. Just sit down and listen.

**Mr. Speaker:** Order, please. There are many interjections which just can't get caught in Hansard. Does the hon. member for Rainy River have a further point?

**Mr. Reid:** Yes.

**Mr. Deans:** He's made a big enough ass of himself.

**Mr. Roy:** Talking about an ass; what about the member for Wentworth?

**Mr. Speaker:** Order, please. I'll reply to these in a moment.

**Mr. Reid:** Mr. Speaker, I'll be brief.

**Mr. Speaker:** Order, please. The hon. member for Rainy River.

**Mr. Reid:** It bothers me sometimes, Mr. Speaker, that the NDP constantly take advantage or use the rules to their own advantage when it suits them. I would call your attention, sir, to page 2 of the legislative assembly of Ontario standing orders, section 9: "The Speaker shall preserve order and decorum and shall decide questions of order subject to an

appeal to the House which shall not be subject to debate."

As I recall, and I must admit I don't have Instant Hansard before me, the Speaker—yourself, sir—attempted to do that on numerous occasions and the member for Ottawa Centre refused to heed the Speaker's order.

As well, I would call your attention, Mr. Speaker, to section 17 (a) (b) and (d), in which the rules of the House are very clearly laid out as to the procedures to be followed.

As I say, while I have some sympathy for the member for Ottawa Centre, I think he deliberately challenged the Speaker; the Speaker was on his feet trying to call the member to order. I would ask, Mr. Speaker, that you uphold your ruling. Although I can understand why the member wants to speak to the particular bill, he deliberately violated the rules of the House. I would ask you, under section 17, whether or not you deem this a serious offence.

I would just call one other matter to your attention, sir. The Sergeant at Arms approached the bench or seat of the member for Ottawa Centre. He stood in front of the bench. He asked the member—I thought he did, I couldn't hear him—but I believe he asked him to leave the chamber willingly. He was forced to walk around behind the benches, which in my short time—eight years here—has not been done before.

At least one of my colleagues has been called to order, sir, on one or two occasions and has always left willingly, at least. I would ask you to rule as to whether you feel that should be for the sitting which will be tonight or a longer period. But I feel, sir, that he did violate the rules of the House.

**Mr. Henderson:** Why not life?

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, may I speak to the point of order very briefly? I agree that section 2 was certainly not adhered to by the hon. member who was named. I don't know the timing of the filing of this particular reasoned resolution. It really doesn't matter. The fact of the matter is that your ruling is not debatable.

The second thing in the points that have been raised is Mr. Speaker does not have to see the clock at any given time if he so chooses not to.

The third thing, of course, the deportment of the hon. member warranted your action.

**Mr. Deans:** Further to my point of order.

**Mr. Speaker:** Order, please. So that we can get on to the business of the House, there were several points raised—

**Mr. Deans:** I have one final comment to make.

**Hon. Mr. Grossman:** The Speaker is on his feet.

**Mr. Deans:** I have one final one, Mr. Speaker.

**Mr. Speaker:** One final one?

**Mr. Deans:** One final one.

**Mr. Speaker:** You can really only speak once to the House. I'll allow the member if it's very, very brief.

**Mr. Deans:** It is germane. Regardless of what the members of this House may think they heard or saw, the record—

**Mr. Turner:** Oh, no. Nonsense; the member wasn't here.

**Mr. Deans:** —as it appears in Hansard is the record of the House, Mr. Speaker. I put to you that the record doesn't justify the action.

**Mr. W. Hodgson:** Oh, come on.

**Mr. Roy:** He should have been here.

**An hon. member:** He wasn't here. He doesn't know.

**Mr. Speaker:** Order, please.

**Hon. Mr. Grossman:** Does he mean Hansard should say the Speaker was on his feet?

**Mr. Speaker:** Order. I find these situations very distasteful, and I'm sure that most members do as well. May I just deal with the various points that were raised?

First of all, I think the hon. member for Wentworth wondered whether a reasoned amendment can be debated any time. A reasoned amendment can be debated if it's in order, but I had to rule that this reasoned amendment was out of order for the reasons which I think everybody understands. The matter had been dealt with by the House. I have a longer statement if you wish me to make it.

**Mr. J. R. Breithaupt** (Kitchener): Mr. Speaker, it might be worthwhile if you did make that longer statement, as something useful for the future deliberations of the House.



**Mr. Speaker:** All right, I shall. The private bills committee amended the bill—Pr33, I think the number is—by striking out a certain provision. The bill, as amended, was reported to the House and the motion for the adoption of the report could have been debated at that time, but it was not, and the report was adopted. A motion to reinsert the provision which was taken out is, therefore, out of order as the matter has already been dealt with by the House, and I refer the House to standing order No. 41 which has been referred to.

**Hon. Mr. Grossman:** The Speaker is making a statement and the member for Wentworth turns his back to him. He has about as much respect as his colleague.

**Mr. Speaker:** Order, please.

**Mr. Deans:** I can hear him.

**Mr. Speaker:** Order, please. The only thing now before the House is the amended bill, as we tried to point out, and that is what the House must deal with.

On the other matter which was mentioned, we don't adjourn the House for the dinner hour. I was trying to recognize the clock, but things got a little heated there and I wasn't able to call the recess until the commotion settled down.

Now what else have I got here? I was asked to rule on whether I considered it a serious matter or—what's the word?—misdemeanour? I don't like that word.

**Mr. W. Hodgson:** Disobedience.

**Mr. Speaker:** No, I think in the heat of the moment—

**Mr. Eaton:** A clear disregard for the rules.

**Mr. Speaker:** —I'll consider it was not a serious matter, so that the member is just out of the House for the rest of tonight. I think I've dealt with everything, so we'll get on with second reading of Bill Pr33. Do any other members wish to speak on Bill Pr33?

**Mr. Reid.** Mr. Speaker, I'd like a point of clarification on your ruling, sir. Am I to understand that if a bill, whether a private bill or a public bill, goes to a standing committee, and it may or may not be amended, but when the report comes back and is accepted by the House amendments subsequently cannot be made to the bill if they were raised during the committee stage? Is that what your ruling was?

**Mr. Speaker:** We are talking about a specific amendment here, and it has just been pointed out to me that amendments can be made, for instance, if it is a public bill coming back into the committee of the whole House, which occasionally happens. Amendments can be made to that, but something cannot be put back in which has been deliberately and consciously taken out by the committee. So a new amendment could be brought in. In this case, as I recall the incident, this matter of, I believe it was rent control or whatever it was, was deliberately removed from the bill; that was accepted by the committee and reported here; the report was received and adopted by the House, and so at this session it cannot be put back in.

Motion agreed to; second reading of the bill.

### THIRD READING

The following bill was given third reading upon motion:

Bill Pr33, An Act respecting the City of Toronto.

### ELECTION FINANCES REFORM AMENDMENT ACT

Hon. Mr. White moves second reading of Bill 137, An Act to amend the Election Finances Reform Act, 1975.

**Mr. Breithaupt:** Mr. Speaker, I have only a brief comment, which the member for Downsview (Mr. Singer) requested I make on his behalf since he is otherwise engaged this evening. He wanted us to remember that particular points which are now developed in Bill 137 were suggested by him at the time of the second reading of the earlier bill and also in committee, as something which would be a useful and necessary thing for the commission to have some control over.

It appears that the timing of these donations is going to be most important, since a person is obviously not a candidate until the writ is issued and the individual becomes formally registered that way. Therefore, this seems to be a useful amendment necessary for the better handling of the Election Finances Reform Act and we will support it.

**Mr. Speaker:** Do any other hon. members wish to speak to this bill? The member for Cochrane South.

**Mr. Ferrier:** I understand, Mr. Speaker, that this bill comes forward as a recommendation from the all-party committee that has been set up and that the two members who have been appointed to it from our party were in concurrence with this. This party also is in concurrence and we support the bill.

**Mr. Speaker:** The hon. minister.

**Hon. J. White** (Minister without Portfolio): This was recommended unanimously by the commission and by members representing each of the three parties. The commission, in turn, conferred last Thursday or Friday with the Camp commission. Once again, the members of the Camp commission, who also represent all three parties, were unanimous in wanting to see this passed. The bill is identical word for word, as I understand it, with the amendment suggested by Mr. Wishart and his colleagues.

I would like to point out to the members here in the House today and to others who have occasion to note what happened here this evening that the effect of this will be that candidates, including some number of people here in this chamber at the moment, will be precluded from collecting moneys from the time of royal assent of this bill until the writ of the election, except through their party associations.

This is a message that should go forward from the several caucuses to both sitting members and new candidates. I will assure that this is done for the Conservative Party and perhaps the gentlemen opposite would make sure that this message goes forward to their candidates also. I think everybody is agreed that this is a further tightening up of controls.

I don't want to diminish the stature of the member for Downsview. He objected to almost everything that took place in that committee. If members tell me that he objected to this previous provision, I am quite prepared to believe it. On the other hand, it must be said that the House leader, the Chairman of Management Board, has been one of the most passionate in insisting that the most stringent controls possible be applied to the length and breadth of this problem so that Ontario once again will be in the forefront of reform.

**Mr. Roy:** The Chairman of Management Board passionate about anything? I don't believe it.

**Hon. Mr. White:** While members opposite might choose to congratulate their colleague from Downsview, I must give the credit to my friend here, the House leader.

**Mr. Deans:** Why is the minister trying to talk us into voting against it?

**Mr. Roy:** The only reason for that is that the minister's party has enough funds the way it is.

(Motion agreed to; second reading of the bill.)

**Mr. Speaker:** Shall the bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 137, An Act to amend the Election Finances Reform Act, 1975.

### SUPERANNUATION ADJUSTMENT BENEFITS ACT

Hon. Mr. Winkler moves second reading of Bill 136, An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund.

**Mr. Speaker:** Does the minister have an opening statement?

**Hon. Mr. Winkler:** In accordance with the statement that I made the other day prior to the introduction of first reading of this bill, I wish to say further to that, as members will understand, this bill has been brought about by discussion and by agreement between the Minister of Education (Mr. Wells) and the Ontario Teachers' Federation. I was not privy to those discussions. However, I am assured that this bill that is before us satisfies the requirements for the escalation of pensions for the teachers' federation and is open, of course, as the bill states, to the addition of other plans. I would hope that we would see fit to bring this bill, too, to a rather early conclusion.

**Mr. Speaker:** The hon. member for Kitchener.

**Mr. Breithaupt:** Mr. Speaker, we of course are delighted the government has moved forward to make some of these necessary changes, particularly as they affect teachers retired for some period of years. The annual pension adjustments that are going to result from this bill are going to be, of course, based upon the consumer price index, with a ceiling of eight per cent per year as set out. I would certainly hope that ceiling will prove adequate and that the cost of living figures will not proceed at a higher rate than that in years to come—although in difficult times such as these, I suppose we can never be quite so sure as to the kinds of rate increase that develop, not only because of what governments in Canada but also what governments around the world do or fail to do.

Under the terms of the legislation, the public servants and teachers who were receiving pensions in 1973 and earlier are going to get an increase of the eight per cent figure retroactive to Jan. 1, and I'm sure this will be most welcome.

I have, on occasion, as I am sure other members have, spoken with groups of retired teachers particularly, those who have been retired for some years. The result of their retirement has on occasion been, really, a hardship, with a great sense of the fact of falling behind the pension programmes of others who have been perhaps more fortunately treated. I believe this bill, brought about, as the Chairman of the Management Board has mentioned, with the co-operation of the various groups involved, will prove to be a useful piece of legislation. Hopefully it will go a long way to resolving some of the particular problems that many retired teachers face at the present time.

We will, of course, support the bill.

**Mr. Speaker:** The hon. member for Wentworth.

**Mr. Deans:** Thank you, Mr. Speaker. We support the bill. The bill is totally inadequate, of course, but it's certainly better than what prevailed prior to the time it was brought in.

There is no doubt the provision of an eight per cent increase commensurate with the cost of living starting in the year 1975 is infinitely better than that which was in force prior to the year 1975. The difficulty is, of course, that many people who retired from the teaching profession in the years prior to 1975 have been receiving totally inadequate

pensions and this doesn't begin to deal with those things.

If the government wants to have enlightened legislation dealing with pensions, and that's what superannuation is, then surely it makes sense that we get away from the archaic notion that somehow or other the matter of superannuation and pensions is the rightful responsibility of the government rather than a matter which can be dealt with adequately and sensibly at collective bargaining time.

I think that if you were to adopt a posture or position which allowed for suitable, adequate and reasonable discussion and negotiation during the period of negotiations, and if that were to be applicable to those who had previously retired, in whatever form that it could be signed, then of course the people we're now dealing with in this bill wouldn't have had to wait for it. It would have been an automatic thing over the years.

Eight per cent sounds okay; it sounds fine right now in 1975; but it's not quite keeping pace with the cost of living. It's a damn sight better than it was before.

The unfortunate part about it is that not the minister, not I, nor anyone else, can predict what's going to happen. It would seem to me that rather than assuming that employees, in this case teachers who are in the employ of one board or another for long periods of time, are incapable, insensitive or unwilling to deal adequately with their pension needs, we should adopt a position which said clearly that we thought that pension and pension negotiation was a matter which could rightfully be dealt with; and not only for current employees and future employees, but that the payments to past employees who are currently on retirement could also be a matter for discussion. Then I think we could have avoided, and can avoid in the future, having to deal with the superannuation of employees, civic, municipal, provincial or otherwise.

We intend to support the bill. There is no question about that. We would strongly urge a new approach to dealing with superannuation. We suggest to the minister that this matter should rightfully be on the negotiating table, and this isn't the way to do it.

Please don't forever leave it in the hands of the Legislature. To begin with, it's evident from the vast numbers on all sides who attend the sittings that we are vitally interested in matters such as this and that we can hardly wait to express our opinions, learned or otherwise, about the affairs of people outside of the Legislature. I would have to think



since we don't show the degree of interest that we ought to, that the least we can do is leave it in the hands of those who are affected by it.

**Mr. Speaker:** Does any other hon. member wish to speak to this bill? The member for Windsor West.

**Mr. Bounsall:** Yes, I have a few general comments at this time, Mr. Speaker. First of all, if the moneys that have come into these superannuation funds had been properly invested over the years, rather than at the low rates of interest which were paid, then at this time properly to make an adjustment with an escalation clause would not now require one per cent more to be contributed from the present membership. I gather that there is now \$853 million piled up in this fund and that it's going to only 12,000 recipients, and this fund is building up. Even at the past rate at which the book entry for these funds was made, at that percentage, the fund is growing. If a proper rate had been paid in the past there would be no need at this time for a one per cent charge to be made on the members that belong to this fund in order to have it adjusted to the cost of living.

Secondly, expressing it as a percentage is quite unfair to various categories involved in the payments to this fund. Obviously there are about three ways in which this is so. It is unfair for the younger workers who are contributing to this fund. They are paying for those older workers in the fund, those above 50. Those in the 40 to 50 age group are probably at the break-even point where it doesn't really benefit them to pay the extra one per cent, and so on.

Perhaps on a straight percentage basis there will be a bit of unhappiness amongst all the young workers required to contribute to this fund. However, that's as may be. I simply point that out.

On a percentage basis, what this does is benefit the person on a higher salary. Because pension funds are deductible from one's income tax, those at the higher funding areas therefore receive a greater benefit by that added payment as it comes back to them as a deduction from their income tax.

Here again, this is a scheme which in essence benefits the higher-salaried person as opposed to the lower-salaried person. That is an inequity, and is an argument for a straight dollar amount being put in this fund rather than a percentage.

I have rather a lot of data which I could get into on this bill. I think I've made the

major point, that it should have been better funded in the past all along so that this collection need not be taken at this time. We needn't talk at all about going to a one per cent increase paid by the employees to make the fund itself capable of having a cost-of-living rider clause to it. It's the negligence of the past which has brought us to the particular situation now where it is felt by government that one per cent needs to be collected from the employees. This should never have been allowed to happen. It is a cost to employees now which they should never have had to pay, and I can't say that any more strongly than I have said it. This should not have happened. We should not be at this point now, as we are under this funding.

Mr. Speaker, we will not vote against this bill. There are, as I said, some reservations that we have with respect to it. We certainly won't vote against it, except to say that I agree with the member for Wentworth that the entire superannuation matter should be a bargainable item and the investigation on that fund should also be bargainable.

We are well beyond the stage where employees do not have a say across the bargaining table on their superannuation. We are well into the stage where employees have a say in the investment of that fund. In this case, if the government continues to want to use the funds then the interest rates paid should be those more prevailing in the markets in which a normal pension fund would be invested.

For example, the PSSF fund in 1970 paid five per cent when the prime corporate bond rate was 8.8 per cent; in 1971, five per cent, and the prime corporate rate was 9.2 per cent—well ahead; in 1972 it was six per cent paid and the average was five plus, and again the prime corporate bond rate was 8.4 per cent. These are some of the rates, and the government continues to borrow from this fund and will not allow investment elsewhere. The higher figures were the rates which should have been paid.

In 1973 and 1974, we are now going to 8.1 and 8.4 per cent, but here again in that same period the prime corporate bond rate was 8.7 per cent and 10.2 per cent; so in this bill we are still lagging behind. If the government is not going to allow the money to be invested by the employees associated with the fund, it should at least pay a decent rate of interest to them.

In those same years, 1973 and 1974, the PSSF average was, as opposed to the 8.1 per cent put in, 5.933 per cent, and with the 8.4, 6.21 per cent; so we are still well behind

what is a fair book addition to these funds compared to what investments could have been made if the fund was operated in the normal way and the moneys placed upon the open market.

The lack of proper funding in the past, and even with this current move, it remains an inadequate rate compared to where pension funds could be invested, is causing the rate of charge to be as high as one per cent. Even now, a portion of that need not be as high as one per cent if the proper rate was being paid.

I say to the government, it must pull itself together and do right by its own employees. If they are not going to let them bargain it across the table, which they should do, then at least pay them and add to their fund at a rate equivalent to the rate at which other pension funds could be invested on the open market, rather than the rates which are specified here.

**Mr. Speaker:** The member for Cochrane South.

**Mr. Ferrier:** Mr. Speaker, I am sure all members of the House have had letters from retired teachers and have had delegations of teachers visiting them to ask for adjustments to their pensions. So, when the minister brings in a bill to make additional payments to them, however inadequate they may be, we are bound to support the legislation.

I concur with what my friend from Windsor West has said, because from my earliest days in this House I remember some very vigorous debates, with the member for Sudbury East (Mr. Martel) and the Liberal education critic in the 1967-1971 House, Tim Reid, and Walter Pitman, all saying very strongly that the teachers should have much greater control over their pension funds, they should not have them only in provincial bonds but that there should be greater control and greater flexibility allowed.

I know the government has moved to some degree to increase the interest rates, but still the rates are not what it could have got on the bond markets. There has been some greater input, I believe, by teachers, but still not sufficient. So it seems a shame that because they are not allowed to invest in higher interest bearing bonds, they have to pay the one per cent out of their salaries to provide the funds for this bill. Of course, there is the extra per cent on the employer, in this case the Province of Ontario.

In a time of inflation I don't know that eight points on the consumer price index as the upper limit is sufficient, if inflation keeps going as it is and we get the same kind of inflation push from Ottawa that we got in the last federal budget. But anything that's going to help those many teachers who are retired to get some more money, to be able to live with some greater dignity and be able to support the needs that they have, we in this party are prepared, of course, to support.

**Mr. Speaker:** Does anybody else wish to speak before the hon. minister? All right, the hon. minister.

**Hon. Mr. Winkler:** Mr. Speaker, I am indeed very grateful for the support I received from the other two parties in coming forward with this bill and what it means to the people it will affect. There are no great issues this evening that are going to cause great debate, as one can already judge, but I think I must respond to some of the things that were said.

First of all, the hon. member for Kitchener made reference to the formula for the retired teachers and I was pleased, because that is true. We all know what this means to that group of people. I think at every meeting the cabinet has had outside the city of Toronto, it has had presentations by this group. I can assure the members that the position of esteem that they hold in our society is one that warrants exactly what we are doing here tonight.

Naturally—and I am not referring to the member for Kitchener now—I would expect people on the other side would say we are not giving enough, and so on, and that we are not doing it in the right way. I don't wish to challenge what they think because we are acting now within government policy. I would remind the hon. members that I have a statement before me here, saying that in the increases that we have given to date to the retired people, the increases as applicable up to the present date from 1950 and earlier do, in fact, represent increases from 68.5 per cent, and then diminishing, of course, up to 1973 to four per cent. I think that's a credible job as far as the government is concerned.

To get around to the point that seemed to bother the members of the NDP—the right to invest the moneys that accrue from the contributions—I would like to say that we in the government, I think, again have taken a responsible position, the reason being that we had one experience with a fund within



the government which, in fact, when allowed to be invested by the people themselves went down to a meagre two per cent last year and is in the red this year. That's the Hospitals of Ontario Pension fund. I just want the members to remember that.

**Mr. Ferrier:** The stock market went down but it has gone up now.

**Hon. Mr. Winkler:** They had the authority to invest their own moneys; don't forget that. The point that I make here—and I have made it before and we don't have to go into great argument because we have done it in other places—is that I think one point that pleases a tremendous number of the people who are on pension is the fact that the government guarantee is there, despite what might have been made one day on the market or another day on the market. With those gains usually go some pretty substantial losses. As a matter of fact, I think up to this particular point in time we can be quite proud of our position. Again, in regard to the eight per cent—

**Mr. Ferrier:** Is the minister saying the free enterprise capital system isn't always dependable?

**Hon. Mr. Winkler:** —I hope that as members have read the bill they will realize there is to be a review committee. The eight per cent is not a magic thing, as having been the cap right at the present time, if indeed inflation were to run rampant.

Let me say this to members this evening: We had better darn soon get inflation under control in this country or we're all going to be in trouble; and I don't mean maybe on that one. Therefore, I believe the position we have taken to the year 1981, again, is a very responsible position. Let us hope that at that time—

**Mr. Reid:** Why did the government increase the Ontario budget by 17 per cent?

**Hon. Mr. Winkler:** We have to take care of all the ills which flow to us from Ottawa.

**Mr. Reid:** That was before.

**Hon. Mr. Winkler:** In any event, while we're considering the future in this particular area I think our record is quite credible and members will note that it is up for review in 1981. It will be reviewed by a committee which will be established, composed of equal parts on both sides. In the meantime, that discussion can take place. I think that particularly, probably for the member

for Windsor West, will be desirable from a co-operative point of view.

I'll return to where I started. The fact of the matter is this is here because of discussions between the teachers and the Ministry of Education, despite what we would like to have ourselves. I suppose we'd all like to have more from time to time. I'm pleased that it was done on a co-operative basis, Mr. Speaker, and I hope that is sufficient response to what has been said.

**Mr. Bounsall:** It covers all the civil servants too, doesn't it?

Motion agreed to; second reading of the bill.

### THIRD READING

The following bill was given third reading upon motion:

Bill 136, An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund.

### CONCURRENCE IN SUPPLY

Resolution for supply for the following ministry was concurred in by the House:

Ministry of Culture and Recreation.

### AMBULANCE AMENDMENT ACT

Mr. Walker, on behalf of hon. Mr. Miller, moves second reading of Bill 138, An Act to amend the Ambulance Act.

**Mr. Speaker:** Does the parliamentary assistant have an opening statement?

**Mr. Walker:** Yes, Mr. Speaker. I can indicate to the hon. members that this bill really contains only one section of any great substance; and that is section 2 which concerns the Metropolitan Toronto situation. It will allow the Ministry of Health to designate the council of Metropolitan Toronto as the appropriate body to handle the improved ambulance service to the public.

We had developed a situation in which there was very fragmented ambulance service with some six independent operators mainly in the northwest part of Toronto, the provincial ambulance service operating in another large section of Toronto and the Metropolitan Toronto Department of Emergency



Services operating in a very significant part of Metropolitan Toronto. Problems developed in jurisdiction. Problems developed in calls not being properly answered wherever the borders were overlapping; there were all kinds of difficulties.

For that reason it was decided it should be co-ordinated into one body and accordingly the Ministry of Health is buying out the six independent ambulance operators and paying them very reasonable compensation. In addition to that, it is ceding its own Ministry of Health operation to the Department of Emergency Services.

This Act will allow us to designate the Department of Emergency Services as the one ambulance body in Metropolitan Toronto.

**Mr. Speaker:** The member for Rainy River.

**Mr. Reid:** Can the parliamentary assistant explain if this is the Act which is taking over Metro Toronto and putting it—the ambulance service—under the aegis of the Ministry of Health?

**Mr. Walker:** What this will do is allow us to buy out the six or seven, I believe it's six, private ambulance operators, cede all their equipment—we own the equipment anyway, and we pay line by line practically every expense that those places have, and we pay a compensation to them—and everything, including our own operation, which operates in a large part of Toronto, will go over to the DES, Department of Emergency Services.

**Mr. Reid:** May I ask the parliamentary assistant what is going to happen to the employees who are presently working for the private companies? Will they be keeping their seniority, pension benefits and so forth, or will they be transferred under the CSAO? Just exactly what is going to happen to them?

**Mr. Speaker:** Perhaps the parliamentary assistant might reply to all those various questions when he does reply. Does the hon. member have any further comments to make?

**Mr. Reid:** I would just like to know what is going to happen to the employees who are presently working under the private operators as regards all their working conditions. Basically, that is the question.

**Mr. Speaker:** The hon. member for Cochrane South.

**Mr. Ferrier:** I don't have too much to say. My colleague from Windsor West will be

making some other comments. I do know that there has been, in a number of areas, some conflict or potential misunderstanding, because when an area is amalgamated and we have more than one operator, it is sometimes difficult to bring them all together. I know that the ministry, in our own case, with a fair amount of pressure, was able to work out a reasonable settlement to the people in my riding.

I think, on a matter of principle, it's a good idea to empower the municipality to own and operate the ambulances of this province. I think that is probably a step in the right direction; one that I would like to see us definitely have the option to follow. Perhaps ambulance services are operated by a municipality on one hand, and we still have the private ambulance operators operating them on the other, so that we have two groups watching one another and operating similar facilities. Perhaps there might be better cost control as a result.

**Hon. Mr. Grossman:** The member believes in free private enterprise and competition, doesn't he?

**Mr. Ferrier:** The trouble is that those government fellows don't practise competition. That's the big thing.

**Hon. Mr. Grossman:** Everybody wants to be a Tory.

**Mr. Ferrier:** I'd better not get off on that. It is the principle of the bill which I must stick to or the Speaker is going to rein me in.

**Mr. Eaton:** We want to get to drainage.

**Mr. Ferrier:** I definitely believe in the principle enunciated by this bill—that the public in this case at the municipal level, should be given the right to operate ambulance services. In the case of Metro Toronto here, to bring about better co-ordination of services for the people and to provide better ambulance services with a lot less lead time in being able to respond to the call, is very important; because ambulance services must provide as quick and as adequate service as possible. It's a matter of life and death. It's a trite statement, I suppose, but it's a true statement.

This bill maybe helps here in Metro Toronto, but it's a good principle as far as the public having the right to operate it. That is the socialist move. Even if the municipality operates it, or the provincial government, or the federal government, it's still socialism.

I say that to my friend from St. Andrew-St. Patrick (Mr. Grossman).

**Hon. Mr. Grossman:** I will tell the Treasurer (Mr. McKeough) on the member. He's a socialist, that's what he is.

**Mr. Ferrier:** Yes, I'm a socialist.

**Mr. Eaton:** The member had better sell all those shares he has.

**Mr. Ferrier:** I haven't got any now. That is what happens, see.

The other principle here that I wonder about is in section 3, where an inspector can now go in at any time of the day or night. It used to be that he could make his inspection only in the daytime. I don't know whether that's to accommodate an inspector who happens to go up to Timmins or Kapuskasing or Rainy River, or some place like that, so that he can do his work at night, and then get out on the plane the next day.

**Mr. Reid:** Great place, great place.

**Hon. Mr. Grossman:** What does he mean, "some place like that"?

**Mr. Reid:** It is a great place.

**Hon. Mr. Grossman:** That is an insult.

**Mr. Ferrier:** I don't know what the reason for that is. On the other hand, to enable an inspector to go in in the middle of the night might sound a little bit as though a lot of suspicion was involved. He figures there is some skulduggery going on and he's got to be able to go in unexpectedly and to take them by surprise. So, perhaps the parliamentary assistant would be able to explain why they have made this amendment—that the inspectors are going to be popping in on the ambulance operators at any time of the day or night or early morning.

**Mr. Walker:** Those places have red lights at night.

**Mr. Ferrier:** Red lights at night? By golly! I won't say anything else.

**Mr. Speaker:** Do any other hon. members wish to speak to this bill? The member for Windsor West.

**Mr. Bounsall:** Thank you, Mr. Speaker. Perhaps the parliamentary assistant guiding this particular bill through the House, a bill to amend the Ambulance Act, could make note of some of the questions I have. Some of them are in the same area as those of the member for Rainy River.

But let me state that there has been a lot of uncertainty in the last few months over the way this amalgamation has been carried out or is about to be carried out. This is an uncertainty for which the ministry bears a fair amount of responsibility in letting it happen. There were some real worries, some real fears, some real uncertainty as to what was going on as primarily people from the provincial ambulance branch talked separately to, I understand, the various private ambulance branches. It wasn't until recently, if at all, that they got those groups of employees together to tell them what they might expect under a proposed amalgamation.

This amalgamation has been talked about and known for some time and rumours of this bill coming before us have been circulating for months now. There was a real concern on the part of the employees, as well as some of the owners of the six private branches, as to what exactly was going to take place.

They had horrendous difficulties in getting any information out of the ministry and in getting the ministry to commit itself to talking to them and talking to them collectively so the same thing was being said to one as to the other. They were simply being avoided. And the ministry has to bear some responsibility for this great state of uncertainty that was created in people's minds for such a very long time.

I hope the parliamentary assistant can assure us here in this House tonight when he replies on the second reading debate, that these questions are finally resolved and that the ministry knows exactly what it is going to do with respect to the transfer. And I hope he assures us that all persons are fully informed with the same information regarding and relating to this transfer which this bill allows.

First, are all of the six private companies being purchased at the same time? What about the transfer of those employees to the ministry? I gather this is the mechanism envisaged. All those ministry employees, the ones already there, plus the ones that came in from the six private firms—are they all being transferred at the same time to the department of emergency services of the city of Toronto?

I agree in essence with the consolidation, that the ambulance service in Toronto should ideally be under one particular form of overall supervision.

There has been a lot of concern among various employee groups in the six private



firms and some among ministry employees as to what exactly will happen when they are placed together with the present employees of the department of emergency services with respect to the different benefits which they have under their collective agreements. They are concerned as to whether or not they will all be transferred together, so that a vote can be taken of all those members who will be in this combined service being run by the department of emergency services, in order to obtain a vote of all of those members, all at the same time, as to who their bargaining agent is to be, and that none of them will lose any of those benefits they have received whether as employees under the ministry's ambulance services branch or as employees of any one of the private firms.

In this sort of a takeover, the parliamentary assistant must stand up in this House and be able to say clearly to this House that the transfer will take place all at one time, so that a vote can be taken of all of the employees at one time in this combined service. In this way they can determine once and for all and have done with it which one of two bargaining agents they will have representing them. He must say that until a contract is signed by that new bargaining agent with the department of emergency services on behalf of all those employees, any and all salaries and benefits which they had previous to this will be fully carried over until they are all covered by the new contract which would cover all those employees.

I think it is very very important that the parliamentary assistant can categorically stand up here and say that at this time, and that there be absolutely no confusion in the minds of any of the employees in any of those services as to what is going to happen to them in the future, so they can go about their job of being ambulance drivers and assistants to those who require the service of an ambulance in the way in which they have been trained and in which they are very qualified to carry out those types of operations.

If the member can't absolutely guarantee that, then this bill which just draws them together and establishes what has been known for some months is going to be established is an inadequate bill in the sense that it simply does that. The ministry has been the catalyst for this and, as the bill explains, it's the ministry that's buying the privates so that the turnover can take place. The ministry has been remiss in its duties, up to the time of bringing in this bill, in sorting out

that side and having very clear in its own mind what it is going to do with that side of the problem.

**Mr. Speaker:** Do any other hon. members wish to speak to this bill? If not, the hon. parliamentary assistant.

**Mr. Walker:** Mr. Speaker, replying to the member for Rainy River, the employees will be transferred over to the new unit which is the DES. That will occur at a particular point in time, according to my understanding of the situation. My understanding is that at some magic point in time, whenever that is, there will be some transfer to the department of emergency services and it will then assume jurisdiction.

We recognize, however, that in the interim, replying to the member for Windsor West, we will have a period when we will be negotiating with one operator and yet may have other operators already expropriated. There may be periods of negotiations so that we cannot say when the transaction will be consummated. But when it all is consummated it is my understanding that there will be a magic point in time when a transfer will occur. That's my understanding of the situation.

I am prepared to re-attend on our ambulance branch and look at this very question, and, hopefully, make sure there is a minimum of problems created by it. Certainly the question of jurisdiction will be answered through the aegis of the Ministry of Labour and its normal rules. There will be the natural protection afforded by the appropriate Acts there. However, as to the point in time, I will make sure that question is properly attended to from our point of view.

**Mr. Reid:** That's a major question.

**Mr. Walker:** That's right. We certainly do not intend to create a confusion in this transfer. While there may have been some communication lack, I think that with the individual operators concerned now, the question is not so much a communication lack, it's a question of amount lack that they're arguing with us. There's always the question of how much an ambulance licence is worth, when we own practically everything that's in the shop and have basically set the shop up.

**Mr. Deans:** That's what I asked the member a long time ago.

**Mr. Walker:** So we have certain disputes there that will ultimately be resolved.



**Mr. Deans:** What they sell is their ongoing clientele.

**Mr. Walker:** Yes, and that tends to come about regardless of good promotion on their part. So in any case, we're not anxious to create confusion among the employees, particularly of those six independent ambulance services and of course in the Ontario operated ambulance service which occupies part of Toronto. We will be sure to make certain there is a minimum of confusion.

No doubt that can be done best by having the common date. It's my understanding there is a common date, and I can't give members that date at this point in time. I don't think it is fully certain. Part of it was contingent on the passage of this Act which would give us the authority. There was a time when we didn't think the Act would come in during this session, but as it extended into July it became obvious that we could get it ready in time and get it in.

**Mr. Reid:** Have the employees being consulted on this?

**Mr. Walker:** The employees, to a large extent, know what's going on in principle. They do not, of course, know the details of our negotiation with the individual contractors. Quite obviously that's something privy to the Minister of Health (Mr. Miller).

**Mr. Reid:** That's what they are concerned about—their rights, their pension benefits and their seniority.

**Mr. Walker:** I don't think the majority of the employees have that much concern.

**Mr. Bounsall:** Oh.

**Mr. Walker:** They always have some concern, of course. In any of the discussions or negotiations, it's always been a part of the discussion that they would be protected as much as they basically are at this point in time and would share whatever benefits would come forward.

**Mr. Reid:** It wouldn't satisfy me.

**Mr. Walker:** The member for Cochrane South raised a question—I see he is back now—on day and night inspection. This is an old section of the Act that is being revised to include night inspections. When this Act first came in, it dealt primarily with ambulance services in the province that were one-hour operations, if I can call them that, in that someone operated it from his home and at night-time obviously he would be asleep—so one wouldn't go in and do an inspection

at night. Now almost all operations in the province are 24-hour deals, with appropriate centralized dispatch services, and now we feel we have an obligation—and certainly the responsibility and duty—to go in during the night to make sure the operation is up to par and the individuals are not sleeping when they should be properly on dispatch. That's the purpose for the amendment.

**Mr. Speaker:** I believe the hon. member for Kent wished to ask a question.

**Mr. J. P. Spence (Kent):** I would like to ask the parliamentary assistant: Is it the plan to take over all the ambulance operators in the Province of Ontario; towns, villages?

**Mr. Walker:** No. It just happens that Toronto is a peculiar area for problems with respect to jurisdiction. It's the border difficulties with seven or eight competing ambulance services, and the appropriate people did not know who to call whenever emergencies require a certain system.

**Mr. Speaker:** The motion is for—

**Mr. Bounsall:** Mr. Speaker? Could I—

**Mr. Speaker:** Is this on a point of clarification?

**Mr. Bounsall:** Yes, rather than having the bill go to committee and perhaps a bit of debate developing there, I would ask the parliamentary assistant one question at this time. I appreciate the common date, because that allows that at some given time all the employees may come together and the jurisdictional vote may be taken as to who the bargaining agent is. The parliamentary assistant has made that commitment quite firmly here tonight, but it's the other question that I asked that is key to the uncertainty among the employees.

The question is: Once that common date is arrived at, and until they have taken a jurisdictional vote, and whatever bargaining agent becomes their representative then starts to negotiate a contract on behalf of them all; from the time of that common date until the date at which they get a contract—covering them all—it might be quite some months—will each of those employees, coming from whatever branch—the DES, the remnant of the old DES, the ambulance service branch of the ministry, and those six independents—will the employees from each of those eight different groups carry with them at least the rates of pay they have been paid, plus whatever increases have been negotiated under their contracts? Will their

pension funds be what they are, will any transfer be at no loss to any of them, and will all their fringe benefits pertain?

This will mean that for some months there will be different rates of pay to different employees and different amounts of fringe benefits. But you can imagine the problem that arises in the workers' minds when they see a fringe benefit, for which they worked very hard and for which the negotiators worked very hard to acquire for them, if they can anticipate that in this enlarged group one of their fringe benefits or their hourly rate of pay will be reduced.

A very key commitment that should and must be made by this government to all those eight groups of workers is that they will not suffer a monetary loss, in terms of direct hourly rate or fringe benefits, as a result of the amalgamation. Once amalgamated, and once they have a bargaining agent, then it's up to that agent to look after them all; but until that first contract comes up, the benefits they have should continue to that point at which they are all covered by that subsequent new contract.

**Mr. Walker:** Mr. Speaker, the member can rest assured that we are going into the transaction with the intention of ensuring that the individual employees are in no lesser position than they would have been, had they continued in their contract as it existed at the point prior to a new bargaining agent taking over.

**Mr. Reid:** That's a guarantee?

**Mr. Walker:** That's the spirit and intent with which we are entering into it. We have no intention of destroying the position of the individual employees. Frankly, that's part of the negotiations, part of the discussions.

**Mr. Bounsall:** That's a commitment I am satisfied with.

Motion agreed to; second reading of the bill.

### THIRD READINGS

The following bills were given third reading upon motion:

Bill 138, An Act to amend the Ambulance Act.

Bill 129, An Act to amend the Highway Traffic Act.

**Clerk of the House:** The fourth order, House in committee of the whole.

### DRAINAGE ACT

House in committee on Bill 130, the Drainage Act, 1975.

**Mr. Chairman:** Does any member wish to speak on Bill 130?

**Mr. J. R. Breithaupt (Kitchener):** Mr. Chairman, I think there are a number of amendments that the parliamentary assistant might wish to put. He has favoured us each with a set of them, so I think we will be able to go on and take them fairly promptly.

**Mr. I. Deans (Wentworth):** Do them all. Do them all at once.

**Mr. Breithaupt:** If it is the parliamentary assistant's wish at this point, we would be prepared to accept that group of amendments as having been moved so that we will not have to move each of them separately. There may be other amendments, of course, from time to time.

**Mr. Deans:** Move them all, one right after the other. Then we can go back and just go through them.

**Mr. Chairman:** I have an amendment on section 1.

On section 1:

Mr. Eaton moves subsection 12 of section 1 of the bill be struck out and the following be substituted therefor:

12. "Engineer" means an engineer registered under the Professional Engineers Act or a surveyor registered under the Surveyors Act, or a partnership, association of persons or corporation that holds a certificate of authorization under the Professional Engineers Act or the Surveyors Act, as the case may be.

Motion agreed to.

Mr. Eaton moves subsection 27 of section 1 of the bill be struck out and the following substituted therefor:

27. "Road authority" means a body having jurisdiction and control of a common or public highway or road, or any part thereof, including a street, bridge or any other structure incidental thereto and any part thereof.

**Mr. Chairman:** The member for Cochrane South.

**Mr. W. Ferrier (Cochrane South):** I wonder whether the parliamentary assistant could tell us why he has elaborated on the

definition section. Is it because it is to include a drain that might go through a builtup area in a village or town?

**Mr. R. G. Eaton** (Middlesex South): It is a definition of the road authority. It is to clarify the definition and bring it in line with the Public Transportation and Highway Improvement Act.

**Mr. Ferrier:** Oh, I see; okay.

**Mr. T. P. Reid** (Rainy River): Mr. Chairman, on section 1.

**Mr. Chairman:** Yes, the amendment on section 1?

**Mr. Reid:** No, not on the amendment; just on section 1.

**Mr. Chairman:** Shall the amendment carry? Motion agreed to.

**Mr. Reid:** Can I speak on section 1?

**Mr. Chairman:** Yes, we will allow the member to speak.

**Mr. Deans:** Briefly.

**Mr. Reid:** I appreciate that, Mr. Chairman. I am not an expert like those members of the House who sat on the select committee. I would like to draw the parliamentary assistant's attention to subsections 10 and 12 of section 1.

I have a number of questions that I was going to raise on second reading, but primarily what I want to ask the parliamentary assistant is this: In the riding of Rainy River particularly, and I suspect in the Manitoulin area and other areas of northern Ontario, a drainage superintendent or anybody else, or an engineer particularly, used to be paid 75 per cent of the cost of engineering by the province—

**Mr. Eaton:** Eighty per cent.

**Mr. Reid:** Eighty per cent, pardon me. The cost of a drainage superintendent or of an engineer for some of the municipalities in my area is just almost an impossibility, because of the tax rolls that they have and the fact that they just don't realize the amount of money in taxes to pay for many of the programmes put forward by the government, and particularly something like this.

Having gone through the bill I must admit I am not the expert that some of my colleagues are, but only I ask you, is the province prepared to pick up the large per-

centage of the cost of these people? I am not talking about 75 per cent or 80 per cent, because even under the former 80 per cent we could live with some of that. In the case of today it is almost impossible and will be impossible for some of the municipalities in my area and the Dryden area, and for farmers in northern Ontario to take advantage of this legislation.

**Mr. Eaton:** In regard to that, the unorganized territories won't have a superintendent under this programme. The programme will continue as it is. Eighty per cent of the costs are paid in that case, and on many things in the Act they work through the ag-reps in that area.

**Mr. Reid:** Who is going to pay? This is the problem.

**Mr. Eaton:** We are paying. The programme is 80 per cent and will continue to be 80 per cent.

**Mr. Reid:** Would the parliamentary assistant, and I am sure we won't do it tonight, consider looking at those areas with low assessment or those areas where the tax base is so small that municipalities cannot afford even to pay their 20 per cent share with a view to coming up with a programme so that in those areas where this in fact is the case there might be, particularly for northern Ontario, some additional subsidy made so that they, in fact, can take advantage of this Act?

**Mr. Eaton:** The municipalities don't pay anything in this regard. The individuals who are getting the drain pay the other 20 per cent. Any individuals on the drainage area pay the other 20 per cent.

**Mr. Reid:** Who is paying for the drainage superintendent, for instance? Who is paying for the engineer?

**Mr. Eaton:** When the engineer does a report on the drain, it becomes part of the cost of the drain.

**Mr. Reid:** Right.

**Mr. Eaton:** So when the total cost of the drain is figured out, the property owners who are involved pay 20 per cent and the other 80 per cent is paid by the government.

**Mr. Reid:** Right, but who is paying the drainage superintendent in those areas?

**Mr. Eaton:** There won't be drainage superintendents in those areas. If they have



a drain, there will be a commissioner appointed by the area and he will be part of the cost of the drain.

**Mr. Reid:** Fine, Mr. Chairman, one other—

**Mr. Deans:** Something like the chairman of the drainage committee.

**Mr. Reid:** Maybe we could hire Lorne over there at a reasonable sum.

I have one other question, if I may, under section 13. Improvement means any modification, and I would like to draw the attention of the past chairman, ex-chairman or whatever, to some of the matters that were raised in the Rainy River district when the committee was there. This is under section 13, section 1, Mr. Chairman. The Rainy River runs through all the farming area in the Rainy River district and it's an international waterway, in that on the south side of the river is the United States of America, the State of Minnesota, and of course on our side the Province of Ontario, the Rainy River district. I have been through every provincial ministry of the Ontario government trying to get some assistance for the drainage problems caused by the river, the flooding in the spring and so on; and my brother John, who is a federal member for Kenora-Rainy River, has been through every federal ministry trying to find out who will accept responsibility for the problems caused by the river and the flooding and the drainage into it and out of it. I wonder if the parliamentary assistant can tell me if the government of Ontario, through this bill, will accept responsibility for that?

You have the chairman of the committee there, who I hope will whisper into your pretty pink shell-like ear and give you some words of advice on this; because the federal government accepts no responsibility and the province accepts none. Are you prepared to accept some responsibility in these particular cases?

**Mr. Eaton:** No, we are not, when it comes to that particular case, because that is a federal responsibility and it comes under the Canada Water Act.

**Mr. Reid:** They don't accept that. They feel that's drainage; it's your responsibility.

**Mr. Deans:** Your brother John isn't doing his job well.

**Mr. Reid:** An international waterway? Come on now.

**Mr. L. C. Henderson (Lambton):** The federal member isn't doing his job.

**Mr. Reid:** You said you were going to look after that when you were there. You were romancing all the people in the area, so to speak.

Section 1 agreed to.

Sections 2 and 3 agreed to.

On section 4:

**Mr. Chairman:** The minister has an amendment to section 4.

Mr. Eaton moves that subsection 1 of section 4 of the bill be amended by inserting after "area" in the second line, "requiring drainage as."

**Mr. Chairman:** Does this amendment carry? Carried.

Section 4, as amended, agreed to.

On section 5:

**Mr. Chairman:** Section 5. The minister has an amendment.

Mr. Eaton moves that clause (b) of subsection 1 of section 5 of the bill be amended by striking out "regional office of the ministry" in the seventh line and inserting in lieu thereof "minister." Shall the amendment carry?

**Mr. Ferrier:** Mr. Chairman, this amendment applies to two or three sections. Is this just a matter of legalese or is there some reason why "minister" is put in instead of the former idea of "regional office of the ministry?" Could you explain the reason?

**Mr. Eaton:** It's a legal matter. It clears up the question of who the notice is sent to. You really can't send it to a regional office, under law, because it isn't a legal person.

**Mr. Chairman:** The member for Windsor-Walkerville has a special announcement.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Chairman, the Wintario draw numbers are: Series 19 and 21, No. 35282. So, fellas, line up outside the door.

**Mr. Reid:** Mr. Chairman, I lost again!

**Mr. Chairman:** On section 5, does the amendment carry?

Section 5, as amended, agreed to.

On section 6:

**Mr. Chairman:** There's one amendment.

Mr. Eaton moves that subsection 1 of section 6 of the bill be amended by striking out "regional office of the ministry" in the third and fourth lines and substituting in lieu thereof "ministry."

**Mr. M. Gaunt (Huron-Bruce):** Just on that point, Mr. Chairman.

**Mr. Chairman:** On section 6?

**Mr. Gaunt:** On 6(1) you're striking out the "or regional office of the Ministry of Natural Resources", which coincides with the amendment applicable under 5(1)b. Is this the Minister of Natural Resources or the Minister of Agriculture and Food?

**Mr. Eaton:** The Minister of Natural Resources.

**Mr. Gaunt:** Okay.

**Mr. Eaton:** We're striking out the words "the regional office of the ministry" and inserting "minister."

**Mr. Gaunt:** Okay.

**Mr. Chairman:** The amendment is accepted. Anything before section 9(2)(b)?

**Mr. R. F. Ruston (Essex Kent):** I was going back to when we had 6(1)—

**Mr. Chairman:** That's carried.

**Mr. Ruston:** Yes; what about 6(3)?

**Mr. Chairman:** Section 6(3)?

**Mr. Ruston:** "The party requesting an environmental appraisal"—this is a new section under the Drainage Act. "The party requesting an environmental appraisal or the council of the initiating municipality, as the case may be, within 40 days of receiving the account therefor"—I haven't heard too much talk about this tribunal, but I've had some people a little concerned as to the procedure for going to it. Where is the tribunal office going to be located? Can the minister tell me that?

**Mr. Eaton:** I can't tell you the exact location of the tribunal office but it will be somewhere here, perhaps in our building, in our ministry. They will hold their hearings in the areas where the appeals come from.

Section 6, as amended, agreed to.

Sections 7 and 8 agreed to.

On section 9:

**Mr. Eaton** moves section 9(2)(b) of the bill be amended by inserting after the number 4

in the second line, "for the area requiring drainage."

**Mr. Chairman:** Is that agreed? Agreed.

Section 9, as amended, agreed to.

On section 10:

**Mr. Eaton** moves section 10(2)c of the bill be struck out and the following substituted therefor:

Any local municipality and conservation authority entitled to notice under section 5 or, if no authority is entitled to notice, to the Minister of Natural Resources; and

**Mr. Chairman:** Is that agreed? Agreed.

**Mr. Eaton** moves that subsection 4 of section 10 of the bill be amended by striking out, "pro rata" in the third line and inserting in lieu thereof "in equal shares."

**Mr. Ruston:** Mr. Chairman, by pro rata I would assume that would be the responsibility of those petitioning, and if one has 50 acres and the other has 20 acres, they pay on a pro rata basis. That's the way I understand it.

You're saying in equal shares. Are you saying that each petitioner would pay an equal amount regardless of the amount of acreage each had; or am I mistaken on this? Could you explain that?

**Mr. Eaton:** This came about because the basis of pro rata is the engineer's report and he has pro rated it in relation to the area to be drained. However, in this case this is a preliminary report. The engineer hasn't done that. All he has done is submitted a bill for estimating costs, and it shouldn't be a high one. We're talking about \$200, \$300 or \$400, so of there are 10 petitioners it would be split in equal shares, no matter what size.

**Mr. Ruston:** Very good. Thank you.

**Mr. Chairman:** The hon. member for Cochrane South.

**Mr. Ferrier:** I wonder about the change. You might have two or three big landowners there who have been pushing it and they get some other fellow down at the other end of the drain, or up the way, who agreed to have this preliminary study and in economic terms he may not be nearly as powerful or as well off as the others. I'm not at all convinced that the change from the pro rata basis to equal shares will do as much justice in this matter of the charge for the preliminary report. I would like you to justify to me, at least that

it is a step forward rather than a backward step. I wonder if the Act is better as it is without the amendment.

**Mr. Eaton:** Yes, I think we can justify it. I tried to explain that the engineer hasn't made a report to say how many acres are to be drained by each individual signing to pro rata it on. There is no basis to pro rata at that point, because it's just a preliminary report on which he's estimated the cost.

**Mr. Deans:** Is it eventually pro rated?

**Mr. Eaton:** Yes. If it continues on and becomes part of the drain, then it would be pro rated as part of the total cost of the drain. This is only if they decide to stop at that point and not go any further.

Remember, we brought in the preliminary report on the idea that they could have this and get an estimate and make a decision without having much cost involved. So if they decide at that point to stop and not go any farther, not to get a full engineer's report, not to complete the drain, the only cost involved would be for that preliminary report, so it would be split evenly amongst those petitioning.

**Mr. Chairman:** The member for Lambton.

**Mr. Henderson:** I would have to support the parliamentary assistant in this amendment. I was something like the member for Cochrane South; my first thought was, "Why?" I'm sure you realize now, as the parliamentary assistant has suggested, that in the preliminary report the engineer might find that it's not feasible in any way, and so he would have no reason to work out the acreage to make it pro rated.

However, I note that the parliamentary assistant doesn't bring in an amendment to cover the full report being thrown out. It's pro rated, so I think it's a good amendment.

Section 10, as amended, agreed to.

**Mr. Chairman:** Does any member have anything before section 62? If so, what section?

**Mr. Gaunt:** That is a bit of a jump there?

**Mr. Chairman:** Yes, it is. Does any member have any comments or amendments before section 62?

**Mr. Gaunt:** On the appeal section, Mr. Chairman, which comes in section 47.

Sections 11 to 46, inclusive, agreed to.

**Mr. Chairman:** The member for Huron-Bruce.

On section 47:

**Mr. Gaunt:** I don't have any amendment here, Mr. Chairman, but I just merely repeat what I said on second reading. I still have qualms about the appeal system as it is set out in this bill. I know there is a liability there in terms of having some people misunderstand the appeal procedure. I just wonder if we could get some sort of commitment from the parliamentary assistant that they will review this matter actively when they've had some experience with the Act, to see if there is any problem here, and if there is bring in an appropriate amendment to solve it.

**An hon. member:** We can change it after.

**Mr. Eaton:** Certainly, we will make that commitment to review it. I might make mention here—I wanted to do this at the start but I didn't get the chance, so I'll take the opportunity now—that we met yesterday with the Association of Municipalities of Ontario and the Ontario Association of Rural Municipalities—they had set up a committee resulting from discussions at the Provincial Municipal Liaison Committee—and we went through the bill very thoroughly. I had an excellent meeting with them and they're going to keep their group continuing. We've agreed that if they have other things to bring back as we see the bill get into operation and as we see the procedures go through, that we will meet with them again and we will discuss it. Then if there are some appropriate changes to be made, we will make those changes.

We have made this commitment to them. We made it in the light of something too that was said by the House leader of the opposition when he raised the question of the commitments made by the Treasurer (Mr. McKeough). They have assured us that, although the Treasurer has made this commitment, they are willing to accept that we go ahead with the bill—that he's really off his commitment, you might say. They have conveyed that to the Treasurer. So there is no problem in that way. We went through the bill and they were quite pleased with the outcome of our meeting. A few of these amendments have come about because of that meeting.

**Mr. Chairman:** Shall section 47 carry?

Section 47 agreed to.



**Mr. Chairman:** Does any member wish to comment before section 62?

On section 62, the minister has an amendment:

Sections 48 to 61, inclusive, agreed to.

On section 62:

**Mr. Eaton** moves that subsection 3 of section 62 of the bill be amended by striking out "shall" in the second line and inserting in lieu thereof "may."

**Mr. Chairman:** Shall the amendment carry?

The member for Essex-Kent.

**Mr. Ruston:** On section 62, subsection 3, of course we all know that "may" and "shall" are quite different. In this section it says:

Where any allowance or compensation has been determined for an owner, the council shall, where the amount so determined is less than the total amount owing from that owner, deduct from that total the amount so determined and the owner shall be responsible for paying the balance in a manner prescribed by the by-law.

Now, I assume that you want to leave up to the discretion of the council how it would be handled. What was the other reason for changing that, Mr. Chairman?

**Mr. Eaton:** Yes, that was the intention in our discussion with the two associations yesterday. It came out that for some people with damages or payments for the land, municipalities would pay them right at the time it happened, but it might be a year and a half before the drain was completed. So, on the basis of what we had in there before, they had to wait until the drain was completed to see what the cost was against those people before they could deduct that amount. Now, those people can be paid at the time and then it can be settled up at the end, if the municipality wishes to do so. The choice is given to them.

**Mr. Chairman:** Shall section 62 carry?

Section 62, as amended, agreed to.

**Mr. Chairman:** Does any member have anything before section 66? The minister has an amendment on section 66.

Sections 63 to 65, inclusive, agreed to.

On section 66:

**Mr. Eaton** moves that subsection 2 of section 66 of the bill be struck out and the following substituted therefor:

The amount collected under subsection 1 shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage work.

**Mr. Chairman:** Shall the amendment carry? The hon. member for Essex-Kent.

**Mr. Ruston** Of course, before this said the amount collected shall be deposited in a special bank account and used only for the "future improvement, maintenance or repair of the whole or any part of the drainage works." What we are doing here is crediting it to the drainage works. I think the difference here is that instead of putting it in a bank account it is going to be in the account of the municipality as a whole, if I take it correctly.

In other words, there are some funds that municipalities hold to handle special drainage areas—sewage areas, water areas, it could be any of those areas so defined. The municipality must put excess funds in a special account so that any interest is credited to that certain area. Now I would take it from this that it would be held in the funds of the municipality and there would not necessarily be any income created from it.

I don't know that I disagree with it that much. Although there must have been a reason when you had the other one in, I'm sure that the municipalities probably suggested this change. I can't say that I disagree with it that much, because the municipality is responsible for the maintenance of these drains, as you know. The drainage superintendent is paid by the municipality. All the meetings and so forth are paid for by the municipality, so I would have no objection to that amendment.

**Mr. Chairman:** Shall section 66 carry as amended?

**Mr. Eaton:** Just to clarify it, I think you can see what would happen in a municipality that might have 20 or 25 drains and had 25 banks accounts.

Section 66, as amended, agreed to.

Section 67 agreed to.

On section 68:

**Mr. Eaton** moves that section 68 of the bill be amended by striking out "exclusive of the report" in the fifth line.

Section 68, as amended, agreed to.

Sections 69 to 92, inclusive, agreed to.

On section 93:

Mr. Eaton moves that section 93 of the bill be amended by adding thereto the following subsection:

(2) Where no drainage superintendent is appointed under subsection 1, the council may by law appoint one or more commissioners,

(a) to assist the engineer in the construction or improvement of a drainage works; and

(b) to supervise the maintenance of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him under this subsection, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality.

Section 93, as amended, agreed to.

Section 94 agreed to.

**Mr. Chairman:** Shall section 95 carry? The member for Essex-Kent.

On section 95:

**Mr. Ruston.** We are moving along here pretty fast. You know, Mr. Chairman, if all the bills—

**Mr. Ferrier:** The member for Kent (Mr. Spence) is his legal adviser.

**Mr. Ruston:** Oh, I had my legal adviser beside me, the hon. member for Kent, but it's hard for me to keep track, we're going so fast—

**Mr. Chairman:** You couldn't have a better one.

**Mr. Ruston:** That's right. We're not used to going through bills in the committee so quickly. You can see how quickly we could expedite the business of the day, Mr. Chairman, if we had people learned in these things to go through them. On other bills they have to speak four hours on one item.

**Mr. Chairman:** I am sure the House agrees with the member for Essex-Kent.

**Mr. Henderson:** The member for Kent is qualified.

**Mr. Ruston:** Regarding section 95, I have a comment written on here; now I have to see why I put it there. I read this bill very thoroughly last Saturday and Sunday, Mr.

Chairman, and I am trying to remember now—

**Mr. Chairman:** The member for Essex-Kent, take your time.

**Mr. Ruston:** The thing I was going to ask was about commissioners, but I am satisfied with the answer the parliamentary assistant gave on the second reading.

**An hon. member:** Did you have your legal adviser with you?

Section 95 agreed to.

On section 96:

**Mr. Eaton** moves that subsection 3 of section 96 of the bill be amended by striking out "the drainage works extends" in the first line and inserting in lieu thereof "the lands assessed for the drainage works extend."

Section 96, as amended, agreed to.

**Mr. Chairman:** Does any other member wish to speak on any other section of the bill? The member for Huron Bruce.

On section 97:

**Mr. Gaunt:** Mr. Chairman, I think the Ontario Drainage Tribunal is going to be a very busy body. All of the technical matters having to do with points in dispute as they apply to any municipal drainage throughout the province may be referred to the tribunal. I am wondering what sort of staffing you foresee in this regard. First of all, how many members are going to make up the tribunal? Have you settled on that yet? What sort of support staff do you anticipate?

**Mr. Eaton:** We haven't settled on a number for the tribunal as yet. The Act allows for a chairman, a number of vice-chairmen that we may appoint and others. As far as support staff is concerned, it will primarily be in the way of stenographic help; and, of course, they will have the use of the staff of our ministry on technical matters in regard to drainage.

**Mr. Gaunt:** I recognize that this may not be sorted out within the ministry as of the moment. I'm sure you must have some idea as to what complement you're going to attach to this tribunal; you must have an idea—five, 10, 15. They're going to tour all over the province to wherever they have a problem or to wherever someone applies to have a hearing before the tribunal. He's entitled to have the tribunal come to the municipality

and hear his case so I presume they will be doing some extensive travelling throughout the province.

**Mr. Eaton:** We really haven't settled on a firm number yet. We anticipate perhaps between three and five and we'll see what kind of work load develops; we can add more to the tribunal at that time. Right now, we haven't anticipated the exact number we're going to appoint to it.

**Mr. Gaunt:** You're going to start off with somewhere between three and five and if the workload increases, you'll increase the complement of the tribunal accordingly.

**Mr. Eaton:** Right.

**Mr. Chairman:** Does section 97 carry?

**Mr. Ferrier:** I would like to talk about that section, Mr. Chairman.

**Mr. Chairman:** The hon. member for Cochrane South.

**Mr. Ferrier:** When the drainage committee was trying to come up with this proposal we met, I think, with some assessment boards and discussed what they did and how they operated and they gave us a few clues. I forget the proper name of that.

**Mr. Henderson:** Assessment appeal court.

**Mr. Ferrier:** Assessment appeal court. Is it the intention of the ministry or the government that the personnel on this body will have no responsibilities other than the responsibilities of drainage appeal procedures or appeals brought before them? Is it possible that some members of these other provincial bodies will also be appointed to sort of do two or three duties?

I think they will be a busy group but I think that in time they will probably resolve quite a few problems or provide the means of resolving them and they may not be as busy as they may be in the first year or two. Could you tell me if the likelihood is that their sole responsibility will be appeals under this Act?

**Mr. Chairman:** The hon. member for Lambton.

**Mr. Henderson:** Thank you, Mr. Chairman. Before the parliamentary assistant replies I would like to add some more remarks to those of the hon. member for Cochrane South. As the hon. member is well aware, we met with the assessment appeal chairman and we met with the land compensation chairman. You

will remember that we became very concerned as a committee. The land compensation board, we felt, was technical and the person making the appeal would not feel at home within the technicalities they were demanding. I would hope here, Mr. Chairman, and I would like it on the record, that when this body is appointed, it will be a body which will let the individual come in without a solicitor and will listen to the evidence presented.

**Mr. Deans:** Something like the OMB.

**Mr. Henderson:** I haven't been before the OMB personally in recent years—

**Mr. Deans:** Let me hope it is nothing like the OMB.

**Mr. Henderson:** I would possibly have to agree. As I say, it was the hope of the committee that this assessment appeal tribunal would accept evidence presented without a solicitor and without an engineer, and would not rule it out because it was not presented in the order that a sophisticated court would expect.

**Mr. Deans:** Absolutely.

**Mr. Henderson:** Yes. I would like that in the record for future guidance. I am sure the hon. member for Cochrane South and the hon. member for Kent would like to confirm that that was the feeling of the committee. I don't know what the parliamentary assistant has in mind for staffing but you will note that the clerk of the initiating municipality is to be the clerk of the court. I wanted to have that in the record, Mr. Chairman.

**Mr. Chairman:** Section 97?

**Mr. Eaton:** Just to respond to that: I want to point out that it is certainly our intention to make it a very informal hearing procedure, so that an individual can go in there and state his case without that kind of support from lawyers and technical people and so on, and that the people who sit on the board can help him draw his case out and get the information from him, as was pointed out with the assessment review.

The people may sit on some other board or commission somewhere. We are not ruling out that they can do other things because they are going to be appointed as individuals to the board. It is not a full-time position; it'll be on a per diem basis. We are going to be looking for people who have the skills in the drainage programme which will give us the proper kind of guidance in that regard.



**Mr. Chairman:** Does section 97 carry?

**Mr. Ruston:** Not yet.

**Mr. Chairman:** The member for Essex-Kent.

**Mr. Ruston:** Just briefly on this, I envisage this tribunal as sitting in more than one place at a time. I am supposing that you might have five or six members on it and maybe three would be holding a hearing in one part of the province and three possibly in another. I would hope it would be something like this otherwise you might have long delays. Someone mentioned the Ontario Municipal Board, and said it took 11 months to get a hearing which is completely—

I am advised by the member for Kent that when the committee studied this they considered it to be similar to what the parliamentary assistant has said—these would be people who would be fully cognizant of the drainage problems people had and they didn't intend, as the member for Lambton said, to have legal people appearing before them. It would be strictly a very informal board.

The only thing I would be concerned about, Mr. Chairman, is the time involved. I am sure there is a time limit and that would be the key thing as to how soon you can get before the tribunal.

**Mr. Henderson:** Mr. Chairman, I might add some remarks to those of the hon. member for Essex-Kent. In looking over the past procedure of the Drainage Act, as you know there haven't been that many cases which have gone before the county courts but it was the fact that the county court judges have been so busy that it was difficult to get them into the courts. It was my hope, and I am sure I can speak for the other members of the committee, that this court would possibly sit within a month of the application. I don't think there is any time limit but that was our hope.

I would suggest, Mr. Chairman, that the way it is set up today it is going to slow down the first steps of the Act but I would hope it would remove a great deal of the appeals. The people would be better informed and, therefore, I am convinced there won't be that many appeals before the tribunal.

**Mr. Deans:** Let's watch it and see. I think you are probably right.

**Mr. Henderson:** Yes, it's my feeling so I just leave that, Mr. Chairman.

**Mr. Breithaupt:** You need a helmet for that.

**Mr. Chairman:** Carried?

**Mr. Eaton:** To the member for Essex-Kent, we do see the possibility, if it's needed, of more than one group sitting at once, but as we say, we want to start out with just one and see how it works out.

**Mr. Ruston:** Very good.

**Mr. Chairman:** Does 97 carry?

Section 97 agreed to.

**Mr. Deans:** On 104.

**Mr. Chairman:** On 104? Do all sections previous to 104 carry?

Section 98 to 103, inclusive, agreed to.

On section 104:

**Mr. Chairman:** The member for Wentworth.

**Mr. Deans:** And all after 104 are carried too, as far as I am concerned. On 104, can you tell me something about the amendment? I don't have the original Act and I don't understand what the amendment was and I am curious to know how the referee is going to enlist the aid of any police officer, under law. How do you interpret that working?

**Mr. Chairman:** The hon. member for Lambton.

**Mr. Henderson:** The parliamentary assistant has a professional answer for the member but I am sure you have been in many of these appeals. You know there have to be papers served on individual witnesses and there has to be order within the court and I am sure that—

**Mr. Reid:** Just like in the House, order in the court.

**Mr. Henderson:** —the sheriff and like officers—

Interjections by hon. members.

**Mr. Henderson:** That's the section you are speaking to, is it not?

**Mr. Deans:** Mr. Chairman, I want to thank the member for Lambton. Without his help I am sure we would never have got through the bill.

**Mr. Chairman:** Does section 104 carry?

**Mr. Eaton:** Just to inform you what the amendment is, we removed the words "by the county or counties" after the word "paid" because they no longer pay.

**Mr. Deans:** I see. Thank you. I just want to know what the amendment was.

**Mr. Eaton:** All right.

Section 104 agreed to.

Sections 105 to 128, inclusive, agreed to.

**Mr. Ferrier:** With your indulgence before the bill is reported, I had to curtail my remarks a little bit the other day. I think it is very significant that we have brought in a very good bill for the farmers of this province and that the members of the select committee were able to hammer out the details of the Act ahead of time so that we have not spent undue time to get through a 128 section bill in this House.

I would like to commend, as I didn't have the chance the other day, the chairman of the committee, the member for Lambton, who really was dedicated to seeing that we got a better Drainage Act and that the farmers of this province got a lot better Act under which to work. As a member of the committee, I want to put on the record how much I appreciated working under his leadership and direction. It is too bad we couldn't call this the Henderson Act but he, along with the committee, did a very good and dedicated job. I am sure that the rural people of this province will remember for quite some time the work that that committee did.

**Mr. Breithaupt:** They'll never forget it.

**Mr. Chairman:** I am sure the member for Lambton would like to reply.

**Mr. Henderson:** Mr. Chairman, yes, I would like to reply to thank the House for the co-operation they have given in making this bill and getting it through the House. The hon. Leader of the Opposition (Mr. R. F. Nixon) brought up a good point the other day about the Provincial-Municipal Liaison Committee. I was along with the parliamentary assistant when we met with these people. Those people were as anxious as the members were that this bill be made available to the people of Ontario. All the members of the committee, Mr. Chairman, were interested in the people, in the farmers of Ontario and in the consumers.

I suggest to you this bill is equally as important to the people in the urban areas in the production of food. As I said earlier on many occasions, well-drained land will produce up to twice as much and therefore will assist in the food production of this province.

**Mr. Chairman,** I thank all the members of the House, for assisting in the bill.

Bill 130, as amended, reported.

**Mr. Eaton:** One word, Mr. Chairman, before we close off here. I want to refer to a question on proclamation raised the other day by the member for Huron-Bruce. We were a little concerned about the timing because of the school for the drainage superintendents and so on. However, after meeting with the group and knowing how anxious they are to get it into effect, we have a couple of small things to do as far as regulations in creating the forms are necessary. I would be hopeful that we can probably get this proclaimed by September.

In regard to the moving of this bill through the House, I just want to say a word of thanks to the law officers of the Crown in the Attorney General's department for helping us to get the order of this bill together. I think the member for Kent made reference to the fact that it is quite readable and can be followed along properly in this procedure now. This is because of the fine work that they did in this regard.

I would also like to thank the legislative counsel, Mr. Anderson and his staff, for bearing with us in the amendments that we were making in one day, and also our own staff for the great job they have done.

**Hon. Mr. Winkler** moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report one bill with certain amendments and asks for leave to sit again.

Report agreed to.

### THIRD READING

The following bill was given third reading upon motion:

Bill 130, the Drainage Act, 1975.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, before I move the adjournment of the House, I would like to say that tomorrow we will move into committee of supply and hear the estimates of the Ministry of Treasury, Economics and Intergovernmental Affairs. If, by

chance, one of the standing committees were to report back to the House, I would ask the concurrence of the House to adjourn that debate so that we could proceed with the consideration of the report that would come from whatever committee would report first. I would suggest also, in the event that that does not occur tomorrow, we might follow that same procedure on Monday.

**Mr. Speaker:** Before the motion to adjourn, perhaps I should inform the House that, pursuant to standing order 30(a), the member for Ottawa East (Mr. Roy) has moved that the ordinary business of the House for Friday, July 11, 1975, be set aside to discuss a matter of urgent public importance. This matter concerns the inadequate security and staffing facilities at the regional detention centre for Ottawa-Carleton following the escape of seven inmates in the early part of June, 1975.

**Mr. I. Deans (Wentworth):** Mr. Speaker, may I ask you, since you have informed us of this—

**Mr. Speaker:** It is just for information purposes.

**Mr. Deans:** —I am curious to know, sir do you agree that the matter should in fact be accepted?

**Mr. Speaker:** Well, not at this point.

**Mr. Deans:** Do you rule in favour or are you opposed to it?

**Mr. Speaker:** No, nothing at the moment. If you will check that particular rule, the procedure is that the person moving it may speak for five minutes as to why the ordinary business should be set aside and one representative from each party may use five minutes to state whether his party thinks it should or should not be. If it is agreed that the ordinary business should be set aside, then each member who wishes may speak for 10 minutes.

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, just on one point with the government House leader, is it correct that if the three environmental bills are reported back this evening, as may be the case, we would then proceed with them directly tomorrow?

**Hon. Mr. Winkler:** Yes, Mr. Speaker, that would be the case.

**Mr. Breithaupt:** Thank you.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:05 o'clock, p.m.



## CONTENTS

---

**Thursday, July 10, 1975**

<b>City of Toronto Act, Mr. Wardle, second reading .....</b>	<b>3889</b>
<b>Third reading .....</b>	<b>3894</b>
<b>Election Finances Reform Amendment Act, Mr. White, second reading .....</b>	<b>3894</b>
<b>Third reading .....</b>	<b>3895</b>
<b>Superannuation Adjustment Benefits Act, Mr. Winkler, second reading .....</b>	<b>3895</b>
<b>Third reading .....</b>	<b>3899</b>
<b>Concurrence in supply, Culture and Recreation .....</b>	<b>3899</b>
<b>Ambulance Amendment Act, Mr. Miller, second reading .....</b>	<b>3899</b>
<b>Third readings .....</b>	<b>3904</b>
<b>Drainage Act, reported .....</b>	<b>3904</b>
<b>Third reading .....</b>	<b>3913</b>
<b>Motion to adjourn, Mr. Winkler, agreed to .....</b>	<b>3914</b>











# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Friday, July 11, 1975

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JULY 11, 1975

The House met at 10 o'clock, a.m.

Prayers.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Mr. Speaker, may I draw to your attention and to the attention of the hon. members of this House, in the west gallery we have 150 students of new Canadian classes of Orde St. School. I am sure you and the hon. members would like to give them their usual very warm welcome.

**Mr. Speaker:** Statements by the ministry.

**Hon. Mr. Grossman:** Mr. Speaker, I rise on a matter of personal privilege. Yesterday there took place in the House of Commons in Ottawa some dialogue during the question period. The dialogue was quoted in the Globe and Mail and the Toronto Sun of this morning, on radio and all the media as a matter of fact. To make sure the quotations were correct, I got a copy of the remarks over the telephone today; I was read the quotation from the copy of Hansard. Mr. Speaker, the quotation is as follows:

There was a question from the Hon. George Hees. He asked:

Mr. Speaker, my question is directed to the Prime Minister. As the Prime Minister has indicated that the government, even after several cabinet sessions, is unable to make up its mind whether to allow PLO [Palestine Liberation Organization] representatives to come to Canada and take part in the crime conference in Toronto in September, and as the PLO bases its mode of operation on organized terror and the killing of innocent civilians, how can the government even consider allowing such an organization to come to Canada and participate in a conference of that kind?

The Rt. Hon. P. E. Trudeau replied:

Mr. Speaker, it is easy to answer how the government can even be considering it. The reason is that Mr. Grossman of the Ontario government stuck his head out and invited this conference to come to Canada in the first place.

**Mr. V. M. Singer** (Downsview): That is what the Attorney General (Mr. Clement) said.

**Mr. E. R. Good** (Waterloo North): Where does this government get half a million dollars from?

Interjections by hon. members.

**Hon. Mr. Grossman:** I take it the hon. member for Downsview figures that's a correct statement of fact.

**Mr. Singer:** Didn't the Attorney General say that? The Attorney General said that in his estimates.

**Mr. Speaker:** Order, please. Will the hon. minister continue.

**Hon. Mr. Grossman:** We will deal with that later.

**Mr. Singer:** The minister can make reference to it if he wants. It's page 1363 of Hansard.

**Hon. Mr. Grossman:** I'd like to hear more interjections. The hon. member is digging a bigger hole for himself.

**Mr. Singer:** Oh.

**Hon. Mr. Grossman:** Go ahead, dig it a little deeper.

Mr. Trudeau responded further on, after some dialogue:

Mr. Speaker, I cannot understand; on the one hand, hon. members talk about co-operative federalism and, on the other, members accuse us of co-operating with a province which has extended an invitation.

Mr. Speaker, the comments of the Prime Minister are outrageous. They are irrational, as a matter of fact.

**Hon. J. White** (Minister without Portfolio): Rubbish.

**Hon. Mr. Grossman:** Actually, the question, as I read it here and as you heard, Mr. Speaker, was about terrorists and not why the United Nations Congress on Prevention of Crime was coming here. It's obvious that the Prime Minister, in his irritation, was attempting to find a scapegoat, and I suppose he figured, while he was on his feet, "Um, there is a guy by the name of Grossman, eh?"

And he is an Ontario cabinet minister? Now that sounds like something we can make something out of." Mr. Speaker, what are the facts?

**Mr. A. J. Roy** (Ottawa East): The minister should be proud that the Prime Minister even knew he existed.

**Hon. Mr. Grossman**: In the first place, this function took place in 1970, five years ago, in Japan. I was a member of the Canadian delegation. The Canadian delegation consisted of a federal minister and the Attorneys General of nine provinces, and because this province is the only province which has a Correctional Services ministry, I was invited to be a member of the Canadian delegation from the Province of Ontario.

Because I was the senior provincial minister and because I had had considerable experience in the field, the federal government asked me to be the deputy head of the delegation. Because of the fact that Mr. McIlraith, who was to have led the delegation in the first place, was unable to go because he was just recovering from an eye operation I think it was, he asked a colleague of his, the Hon. Robert Stanbury to stand in for him.

The Hon. Mr. Stanbury did lead the delegation but left, I believe it was a couple of days before he was to have extended the invitation on behalf of the Canadian government. Because of the consternation of the Japanese officials and the officials of the UN, who were very much concerned about what they considered a diplomatic breach—they were very concerned about the abrupt leaving of the leader of the delegation, which they take quite seriously—I agreed to move into the breach at the request of the federal government and made the formal invitation.

I should point out, Mr. Speaker, that in any case the decision for the congress to be held in Ontario was made well before that meeting. If anyone has an idea that these things are just done on the basis of an invitation made at the moment and accepted at the moment, if anybody has an idea it is done that way, he is sadly mistaken.

**Mr. M. Shulman** (High Park): There was no PLO then anyway.

**Hon. Mr. Grossman**: Of course there wasn't. We will deal with that in a moment. There was no PLO. That wasn't a problem at the time at all.

Anyway, the decision was arranged for well in advance by the United Nations and the federal government—which was headed by—guess who?—one Mr. Trudeau. That arrange-

ment had been made by them. The invitation was only a formality and, because of the absence of the federal minister, as I say, I agreed to make it.

Just to make sure the record is clear, I quote here from a wire which was drawn up by the Department of External Affairs at the time. They were announcing that:

TORONTO WILL BE SITE OF FIFTH (1975) UN CONGRESS ON PREVENTION OF CRIME AND TREATMENT OF OFFENDERS, PROVIDED OF COURSE CANADIAN INVITATION ACCEPTED . . .

Further on they point out that this wire is attributed to Solicitor General George McIlraith and Mitchell Sharp who were making this announcement. About two or three weeks later I received a letter from Mr. Stanbury in which he states,

I want to thank you for all your practical and moral support in Kyoto. I appreciated very much having an experienced hand available and willing to advise me as well as to act as head of the delegation after my departure. I see from the press that you conveyed our invitation to the Congress to meet in Canada next time, and I trust you and I both will be still around to welcome the delegation to Toronto.

I am still around, Mr. Speaker, but I won't be welcoming the delegates and neither will anyone from the Province of Ontario if the PLO is included in the official delegation, I can tell you that.

**Mr. Roy**: That is not saying much, though.

**Hon. Mr. Grossman**: Mr. Speaker, it is a cheap shot unworthy of the Prime Minister of our country.

**Mr. R. F. Ruston** (Essex-Kent): The hon. minister can't take it.

**Hon. Mr. Grossman**: He must think the public is pretty stupid and that they won't understand the situation; they won't understand in the first place that it's a Canadian function, the invitation was extended on behalf of the federal government and that was long before the PLO were involved. It just won't wash with the public. I think, Mr. Speaker, that the Prime Minister of this country owes me, the House of Commons and the people of Canada an apology for this absolute intemperate and careless treatment of the truth.

**Mr. L. C. Henderson** (Lambton): He should resign.

Interjections by hon. members.

**Mr. Ruston**: He'd better send a telegram.

**Mr. Speaker:** Statements by the ministry.

**Mr. Henderson:** What does the hon. member for Ottawa East think about it?

**Mr. Ruston:** I am sure the Speaker will send for him.

Interjections by hon. members.

**Mr. D. C. MacDonald (York South):** The provincial secretary shouldn't go around calling the Prime Minister of Canada a liar.

**Mr. J. M. Turner (Peterborough):** The member must control himself.

**Mr. Henderson:** Speak to him.

### ASSESSMENT ACT CHANGE

**Hon. A. K. Meen (Minister of Revenue):** Mr. Speaker, I would like to reply at this time in greater deal to the question in the House and subsequent statements by the hon. member for High Park made on Thursday, June 26 last, regarding section 17 subsection 3 of the Assessment Act as amended in June, 1974. The hon. member suggested that the amendment introduced a new assessment procedure which has had an enormous effect, according to him, on increasing tax bills for small business and conversely has provided substantial tax savings to tenants of larger stores, particularly in shopping centres. In short, he claims there is a potential for a shift in taxes of tens of millions of dollars from department-sized stores to small kiosk-like operations.

I would like to point out that section 17, subsection 3, pertains to the apportionment or division among tenants of assessment in all income-producing properties, not simply shopping centres, and that the apportionment is for business tax and school support purposes only. The business tenant is directly responsible for the business tax and directs that portion of the realty tax to the school board.

The owner of the property is liable for realty taxes and the Assessment Act makes no direction as to how he should divide realty taxes among the tenants. In other words, section 17(3) does not govern the method of apportioning realty taxes among tenants, this being a matter which is determined between the individual tenant and the owner in the terms of their lease. The hon. member seems to have interpreted section 17, subsection 3, to include apportionments for both realty and business taxes and has erroneously lumped together the two quite separate issues.

(When the province assumed the assessment function in 1970 one of the primary goals was to achieve property tax equity through market value assessment. Since the owner of an income-producing property is purchasing not so much the bricks and mortar but rather the rental income that the property will generate the income approach to investment properties is the generally accepted method of estimating the market value of such investment properties for assessment purposes. As well, when it comes to mortgages, the most important factor taken into consideration by the lending institution is the value of the income generated from rents. Therefore, we adopted fair market rent as an appropriate yardstick of value, or base, for arriving at assessments on income-producing properties. These same fair market rents are then used in the apportionment of the assessment for each individual store operator for business tax and for school support purposes.

If I may, Mr. Speaker, I would like to review the elements that come into play in determining fair market rent. As well as contract or actual rent, fair market rent takes the following items into consideration: Location of store in the building; size of the store; value of the improvements; ratio of storefront to total area; shape of the store—for example, a long narrow store would pay less than a square store because it is less convenient for customers.

In his statement, the hon. member for High Park referred to a number of stores in shopping centres. While he has chosen to discuss these cases I cannot, because some of them involve assessment appeals which are currently before the courts. Nevertheless, my staff have reviewed these cases and I can say that had the owners of these shopping centres used the method of apportionment as set out in section 17 subsection 3 for realty tax purposes, the tenants' various portions of this tax would not have changed to the extent that the hon. member has claimed.

The member suggested that the amendment to section 17 subsection 3 radically changed apportionment procedures. This is simply not the case. The rental approach for apportionment for business tax and school support purposes is not new in Ontario. The city of Toronto has been using apportionments based on the rental approach since 1948.

In 1966, this approach was used by the city of Oshawa assessment office to apportion for business assessment purposes. The city of Guelph, in its reassessment programme in 1968, used the rental approach, again, for apportioning business assessments. The city of



Sudbury, in the reassessment conducted there in 1969, also used the rental approach for apportionment, as did many other municipalities across the province prior to 1970.

This quick review of apportionment practices does, I hope, make it clear that the amendment to section 17 subsection 3 enacted by the Legislature in June, 1974, was not a radical change. More importantly, the amendment confirmed fair market rent as a procedure for apportioning assessments on income-producing properties which is in line and compatible with the overall provincial goal of achieving market value assessment.

My staff have spent the last two weeks identifying and reviewing the cases the hon. member has cited. Our information simply does not confirm that the amendment has created serious inequities on a grand scale. The amendment has, on the other hand, laid down a fair and equitable method for our own apportionment purposes across the province and, importantly, it has created for all shopping mall owners a better example to follow when they apportion realty taxes among their tenants. If now, with a clearer understanding of the scope of the amendment and a better knowledge of what the assessment procedures are, the hon. member would like to pursue the matter further with accurate information, my staff and I will be more than happy to continue our study of his allegations.

I might note however one instance which is indicative of his other examples. The member claimed a K-Mart store in the Lynden Park Mall in Brantford received a tax reduction of \$150,000 in its tax bill as a result of market rent apportionment. From our review, it turns out that the total realty taxes on the entire mall were only \$172,051.82 for 1975. Either the member has confused assessment with taxes paid or he needs a new calculator or perhaps a new battery in his pocket calculator or perhaps a more reliable informant.

As you know, Mr. Speaker, an interministerial study committee has been set up to review the effects of market value reassessment on taxes. By assessing income-producing properties on the fair market rental approach and establishing a uniform ratio of property tax to fair market rents, the assessment information we are providing to the committee will aid in judging the appropriate level of tax to be applied to these properties. Where the direct application of reassessed values without some adjustment factors would result in the levy of unjustly increased taxes, as I have indicated in many statements earlier, sir, appropriate factors will be applied.

**Mr. Shulman:** A question of privilege if I may.

**Mr. Speaker:** A question of privilege?

**Mr. Shulman:** Yes, sir. The hon. minister has suggested that I have given erroneous information to the House. I wish to say that if this information is erroneous my feelings are shared by Judge Scott of the provincial court, chairman Bingman of his own assessment appeal board and the Ontario Municipal Board, which has said: "These rules are obviously put in because the government didn't want any appeals."

**Mr. Speaker:** I think the hon. member doesn't have a point of personal privilege there.

Oral questions. The hon. member for York Centre.

#### YORK-DURHAM SEWER LINE

**Mr. D. M. Deacon (York Centre):** I have a question of the Minister of the Environment, Mr. Speaker: Will the minister advise us, if the airport does not proceed, what effect this will have on the York-Pickering sewer scheme and will it cause further delay in this scheme? At the same time, maybe the minister would say what has caused all the delay in this project which was announced two years ago and seemed to have been finalized a year ago.

**Hon. W. Newman (Minister of the Environment):** Mr. Speaker, as far as the airport is concerned, it will have no bearing on the York-Durham line which is now in the process of being built.

**Mr. Deacon:** Being built?

**Hon. W. Newman:** Yes, some contracts have been let. Maybe the member was not aware of that. He asked what caused the delay. May I say that in the past year we have worked out, in co-operation with Metropolitan Toronto, the regional municipality of York and the regional municipality of Durham on a very democratic basis, very good working relationship agreements with them. There was a lot of discussion and a number of meetings. We did not, as some people would have us do, arbitrarily impose this on those municipalities. That's what the delay was over in the last six months, to get these agreements signed with these municipalities. It's a joint effort. Metro's involved, York region's involved and Durham region's involved; but the airport will have no bearing

on the design and construction of the York-Durham line.

**Mr. Deacon:** Certainly there's no reason for not consulting municipalities since that scheme does put quite a burden on the municipalities.

**Hon. W. Newman:** It is under way, I was explaining to the member.

**Mr. Deacon:** I am glad it is under way.

#### NORTH PICKERING COMMUNITY

**Mr. Deacon:** I have a question of the Treasurer. Did the minister discuss with the then Minister of Transport in 1972 what share each government might assume in the roads and services during that period in 1972 when this whole scheme was cooked up to build the joint North Pickering community, or Cedarwood at that time, and Pickering airport? Did the minister discuss any proportions, 50-50 or what it might be, in this joint cost-sharing or was it left wide open?

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Not specifics.

**Mr. Deacon:** Not specifics. There wasn't any idea as to whether it would be 10-90 or 90-10 or whatever at that time?

Supplementary: What meaning did that therefore imply? What was the point in even indicating there was a joint project when there wasn't any indication of what the proportions might be?

**Hon. Mr. McKeough:** We didn't get down to specifics, Mr. Speaker. I didn't think it was necessary at that time.

**Hon. W. Newman:** Why doesn't the member go and tell his friends in Ottawa that it's too bad?

**Mr. Speaker:** Order, please.

**Mr. Deacon:** We have been, for a long while and maybe finally the members opposite are helping us. It has taken a long time.

Interjections by hon. members.

**Mr. Speaker:** Any further questions?

#### MISSISSAUGA TRANSPORT SERVICES

**Mr. Deacon:** I have a question of the Minister of Transportation and Communications.

What is the reason for the minister's interference or his department's interference with the Mississauga plans for a transportation servicing scheme in that area? Why would TATO have meetings in camera with regard to that maintenance construction project with which they have been told not to go ahead by the province?

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Mr. Speaker, I am not interfering with Mississauga's plans. I don't know whether TATO has been holding a meeting in camera or not. I don't keep that close a tab on TATO. They report to me.

**Mr. Deacon:** Does the minister have a copy of a letter from the mayor of Mississauga?

**Hon. Mr. Rhodes:** I haven't received it. I understand there's a letter coming from the mayor of Mississauga, but I haven't received it as yet. I was told there was a letter coming.

**Hon. Mr. Grossman:** That's the mail system.

#### THIRD WORLD GRANTS

**Mr. Deacon:** I have a question of the Provincial Secretary for Resources Development. Has the minister any role in connection with the matching grants for third world development? Does he have any responsibility in connection with that or should I be consulting the Chairman of Management Board (Mr. Winkler)? He has been around here.

**An hon. member:** On occasion.

**Hon. Mr. Grossman:** It wouldn't come within the purview of my secretariat, although as one of the ministers involved I am naturally interested. I would think that is a question which could be directed either to the Premier (Mr. Davis), the Chairman of Management Board of the Provincial Secretary for Social Development (Mrs. Birch)—probably that's where it belongs.

**Mr. Deacon:** It's awfully hard to keep track of these ministers as they wander around the back halls. Would the Chairman of the Management Board come out from behind?

Interjection by an hon. member.

**Mr. Deacon:** There aren't very many ministers in the House this morning.

**Mr. Speaker:** We can give the hon. member an opportunity later if he wishes. Does he have further questions in the meantime?

**Mrs. M. Campbell (St. George):** Here comes the Chairman of Management Board now.

**Mr. W. Ferrier (Cochrane South):** Here he comes.

**Mr. M. Gaunt (Huron-Bruce):** He's making a grand entry.

**Mr. Deacon:** Would the Chairman of Management Board advise us if a meeting has yet been held, as promised by the Premier in his May 16 letter, to give a decision to the groups that have been urging matching grants for third world developments? Has any meeting yet been held, as the Premier in his letter of May 16 promised, that a meeting would be held within a few weeks? They haven't heard yet.

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** For what? Would the hon. member repeat that?

**Mr. Deacon:** A meeting for the groups supporting the third world development matching grants. Does the minister have any idea about that?

**Hon. Mr. Winkler:** Yes, Mr. Speaker, a meeting has been held, and I think it is currently in the hands of the Provincial Secretary for Social Development, who regrettably is in the hospital at the moment.

**Mr. Speaker:** The member for Wentworth.

#### PICKERING AIRPORT

**Mr. I. Deans (Wentworth):** Thank you, Mr. Speaker. I have a question of the Minister of Transportation and Communications. Can the minister make clear to the House and to the public exactly what conditions he is going to set in order to meet the original commitment of the Province of Ontario to provide roads and sewers for the Pickering airport?

**Hon. Mr. Rhodes:** Mr. Speaker, did the hon. member leave a word out? I didn't totally understand what he was asking. Would he repeat it, please?

**Mr. Deans:** I'll try it again. What conditions does the minister intend to set in his discussions with Ottawa in order that he will meet the province's original commitment to provide roads and sewers for the development of the Pickering airport?

**Hon. Mr. Rhodes:** I can't set any conditions at this time. I don't know whether there are any conditions. We are going to meet with the federal government, I trust. I am assuming that Mr. Marchand will be contacting me to set up such a meeting. I don't think I can set any pre-conditions. I want to hear what he has to say and we'll go from there.

**Mr. Deans:** A supplementary: Is it then reasonable to assume that given certain conditions as yet not determined, being met, that in fact the government of Ontario is prepared to go ahead with the Pickering development?

**Mr. Roy:** "Not at this time" is the answer.

**Hon. Mr. Rhodes:** I think the contents of the letter I sent to Mr. Marchand are quite clear. I don't see any reason to repeat that, particularly.

**Mr. J. F. Foulds (Port Arthur):** They are clearly ambiguous.

**Hon. Mr. Rhodes:** Oh, the hon. member read the Globe and Mail this morning.

**Mr. Foulds:** I read the letter.

**Hon. Mr. Rhodes:** Somebody read it to him.

**Mr. MacDonald:** The Globe isn't the only one that's puzzled.

**Mr. Deans:** One final supplementary: Is it possible for the minister to more clearly define the terms at this time?

**Mr. Singer:** It speaks for itself.

**Hon. Mr. Rhodes:** I thought I had made it clear—and I noticed it was in the paper this morning—"at this time" means right now.

**Mr. Speaker:** The member for York Centre with a supplementary.

**Mr. Deacon:** Does the minister intend to discuss and eventually reveal to this House any reasons for proceeding with that airport? Is he going to get into the question of whether the airport is necessary or not so he can justify the expenditures that the province is required to make for services and roads if it does proceed?

**Hon. Mr. Rhodes:** I think the hon. member knows full well that we are not going to question whether an airport is needed or not. The expertise for such a decision lies with the federal Ministry of Transport. They are the people who had the big commission hearing; they are the ones who came out with all of the details as to the need or not. We are not getting into any sort of a technical battle with



them or questioning the material they produce.

Mr. Roy: Oh, no.

Mr. Singer: Perish the thought.

Hon. Mr. Rhodes: We have said, quite simply, that we are not going to commit and supply the funds that are required to provide the servicing to that airport at this time. That's what we've said.

Mr. Deacon: A supplementary: Surely that entails some sense of need and urgency for that airport, or the need for any construction at all, in this government's analysis of whether it is going to have any spending priorities in that direction; doesn't it?

Hon. Mr. Rhodes: No, I don't think so, Mr. Speaker. We have said we are not going to commit that sort of heavy funding toward providing those services.

Mrs. Campbell: Till after the election.

Hon. Mr. Rhodes: Mr. Speaker, what I would love to find out is the real position of that group over there on this airport, the real position. Let them give it to us, tell us right now.

Mr. Ruston: We would like to know the government's position. The government doesn't know its position.

Hon. Mr. Rhodes: I don't want their position according to him or to her or to him. Let them give me one answer.

Mr. Ruston: The minister doesn't know his position.

Mr. Roy: Doesn't the minister talk to his colleagues?

Mr. Speaker: Order, please. Further questions from the member for Wentworth?

Mr. Deans: May I ask the minister whether it might be reasonable to conclude that "at this time" and Jan. 1, 1976, could be termed to be synonymous?

Mrs. Campbell: Yes. Exactly.

Hon. Mr. Grossman: What is significant about that date?

Hon. Mr. Rhodes: Is that the member's birthday, because it doesn't mean a thing to me other than it is the new year.

Mr. Deans: Doesn't it?

Mr. MacDonald: That's the day the government reverts to the status quo.

Mr. Deans: That's the day every tax goes on and all the changes are made.

An hon. member: What a sham.

Mr. Ruston: There won't be any celebrating this New Year's.

Mr. Speaker: The member for Wentworth.

## UNION CARBIDE EMISSION LEVELS IN WELLAND

Mr. Deans: Can I ask of the Minister of the Environment, has he paid heed to the recent citizen protests in Welland with regard to the emission levels from Union Carbide? Has he required that there be an additional study or investigation made immediately of the amount of emission that is currently being allowed from Union Carbide? Is Union Carbide complying with the order that is currently in place? Is the minister satisfied that the order is sufficiently stringent to safeguard the health of the people in the immediate area? What does the minister intend to do about the conditions that were brought to the attention of the city council of Welland, and that the council has agreed are not satisfactory to it though it claims to have no power to correct them?

Hon. W. Newman: Mr. Speaker, that area happens to have a very fine member who represents the area very well.

Mr. Roy: Who would that be?

Hon. W. Newman: He has been in touch with me about the matter on a personal basis. I will be meeting with both him and the city council to discuss the whole matter as soon as I get finished with my bills in the House.

Mr. Deans: That is not my question. Can the minister tell me whether, as a result of the investigations that he surely has conducted, he believes that the emission standards are sufficient to safeguard the health of the people in Welland?

Hon. W. Newman: Mr. Speaker, my answer to that is that our air management branch is working on the situation. I can't give the member the details. Certainly, we are always concerned about the amounts of emissions and the levels of emissions that come out of plants. We have been working on it, and

as I said, we will be meeting to discuss the whole thing with the city.

**Mr. Deans:** Supplementary, Mr. Speaker: Since the fine member for Welland (Mr. Morningstar) has already brought it to the minister's attention, is the minister now aware of whether or not Union Carbide is complying with the regulations and the ministerial order currently in place?

**Hon. W. Newman:** I can't give the member the details of it right now, but I certainly will get the details for him if he wants them.

### CONSUMER PRICE INDEX

**Mr. Deans:** Mr. Speaker, I have a question of the Treasurer. Given the announcement today of the consumer price index increase—well yesterday, actually—would the Treasurer be of the opinion that the 10-cent excise tax would have had an effect on that particular consumer price index report? Can the minister indicate whether the Province of Ontario is monitoring the two areas that appear to be causing the biggest difficulties, those being meat prices and egg prices—in fact, prices of food in general? Are there any steps being taken within the province to try to ensure that the people of this province are safeguarded against unwarranted price increases?

**Hon. Mr. McKeough:** Mr. Speaker, no, I don't think the excise tax would reflect in the most recent consumer price index. I would be very surprised if it did. It won't show up for a month. The normal studies of food prices are carried on, as the member well knows, by the Ontario Food Council.

**Mr. Deans:** A supplementary question: Am I wrong in my recollection of the answer given some months ago by the Minister of Agriculture and Food (Mr. Stewart) that the Ministry of Agriculture and Food, through its own Food Council, was also monitoring food prices, particularly prices of dairy products? What has become of that?

**Hon. Mr. McKeough:** I think that's correct, Mr. Speaker. They do this through the Food Council. They've done it for some time.

**Mr. Speaker:** The member for Downsview.

### CRIME CONFERENCE IN TORONTO

**Mr. Singer:** Yes, Mr. Speaker, I have a question of the Provincial Secretary for Resources Development. Could he reconcile that portion of the remarks he made earlier this

morning where he said he really only extended the invitation for the crime conference to be held in Toronto as a surrogate for other people, with the remarks made by the Provincial Secretary for Justice (Mr. Clement), as reported on page 1363 of Hansard, where the provincial secretary said:

I would like to express my appreciation to the Provincial Secretary for Resources Development who, through his eloquent pleading at the fourth congress, was primarily instrumental in Toronto being chosen as the site for this year's meeting?

**Hon. Mr. Grossman:** Mr. Speaker, I don't have to reconcile it.

**Mr. Roy:** That was a cheap shot.

**Hon. Mr. Winkler:** That was a dirty Grit shot.

**Mr. Ruston:** Rise on a point of privilege.

**Mr. MacDonald:** I didn't think there was anything more that could be said.

**Mr. Speaker:** Order, please.

**Hon. Mr. Grossman:** Mr. Speaker, I don't have to reconcile it. I think it was very kind of my colleague to give me all that credit. I also think it is very kind of the hon. member for Downsview to keep hammering away at this issue. It will do himself and his party a hell of a lot of good. Go to it, fellows. Keep going at it. Keep shovelling it, fellows.

**Mr. Speaker:** The member for Port Arthur.

### NON-RETURNABLE CONTAINERS

**Mr. Foulds:** Thank you, Mr. Speaker. I have a question of the Minister of the Environment. Is he aware of a form letter that the Premier is sending out to all those who write expressing concern about the use of non-returnable bottles? In it he says:

The government recognizes that the refillable container is the most environmentally desirable package for soft drinks.

Then he goes on to express:

Less obvious, perhaps, is our complementary belief that the residents of our province are entitled to a freedom of choice with regard to the types of merchandise and packaging of consumer goods.

The minister himself, in his speech to the representatives of the soft drink industry, although a very tough speech on the surface, indicated that he is committed to a freedom of choice with regard to soft drink containers. Does this mean that he is not committed as

government policy, even to the eventual elimination of non-returnable bottles?

**Hon. W. Newman:** Mr. Speaker, I don't think there is anything in the Premier's letter that is going out to people that is anything different from what I said. I said, in short, that there should be freedom of choice. What I meant by freedom of choice was that consumers should have the right of choice on the shelf.

If the member wants me to go on to elaborate, we want the number of bottles reduced.

The member has seen my statement to the industry. The Solid Waste Advisory Board has had several meetings with them and they're on a time frame of six months, which will run out in about another two months. I know they are having meetings on a regular basis and I hope to meet with them myself for some length of time, as soon as we adjourn here for the summer, to discuss this whole matter. But there is nothing inconsistent in what I said in my statement and what the Premier said.

**Mr. Foulds:** A supplementary, Mr. Speaker: My question, however, was—is the government committed to the eventual or ultimate elimination of non-returnable bottles, or is the government committed to continually argue freedom of choice for the consumer and, therefore, we will always have non-returnable bottles in Ontario?

**Hon. W. Newman:** Mr. Speaker, I think as far as government policy is concerned at this time, I made it very clear when I made the statements in the House. Certainly, at this point in time I am not planning to ban them. I've had my period of six months with the industry and with the stores. I'm not planning to make any distinct bans at all.

When I said "consumer choice," I think the consumer has a right to a choice. I say that the consumers have the right to buy the most environmentally suitable bottle and they should have the right to do that. That is what I said. In many stores you cannot buy returnable bottles at this time and I want to see those bottles back on the shelf.

**Mr. P. Taylor (Carleton East):** Why didn't the minister just answer yes?

**Hon. W. Newman:** I said in my statement we want to cut down the numbers and sizes and shapes of bottles. We are working on this at the present time. We are working on wine and liquor bottles at this time too, with the Solid Waste Advisory Board.

**Mr. Speaker:** The member for Ottawa East.

**Mr. Foulds:** With respect, Mr. Speaker, the minister has not answered my question: Is this government committed, as a matter of policy, to the elimination of non-returnable bottles at some time in the future?

**Hon. W. Newman:** Mr. Speaker, I don't think it's a matter of government policy. It will be decided at the appropriate time and we will be announcing it at the appropriate time in the House.

**Mr. MacDonald:** The government is not committed then?

**Mr. Foulds:** They are not committed.

**Mr. Speaker:** Supplementary.

**Mr. Gaunt:** Is the minister aware of any additional comments that have been coming from the industry with respect to this problem, given the fact he has given them a six-month deadline?

**Hon. W. Newman:** Mr. Speaker, if the member is asking in effect, is the industry co-operating at this point in time—

**Mr. Gaunt:** That's what I'm asking.

**Hon. W. Newman:** —I would say yes.

**Mr. Speaker:** The member for Ottawa East.

#### FLAGS SHOWN ON GOVERNMENT PUBLICATION

**Mr. Roy:** Mr. Speaker, I have a question of the Minister of Government Services who is a regular attendee at these question periods but is asked very few questions.

**Mr. Foulds:** That is why he is a regular attendee.

**Mr. Roy:** Yes. My question deals, Mr. Speaker, with a publication which is handed to all people who visit this building and the gallery. The matter has been brought to my attention by some school children who were visiting the gallery. One of the publications, called "Grandeur, Ghosts and Gargoyles," that's a publication about this building, the history of this building—

**Hon. Mr. Crossman:** I thought it meant the opposition.

**Mr. Roy:** It has a picture of the building as it now stands, as I understand it. On the front it shows, on the right hand side, the Ontario flag; and on the other side, instead of the Canadian flag, it's got the Union Jack.



I would like to ask the minister the question put to me by the students: Why is it that 10 years after we have accepted a distinct Canadian flag we still have the Union Jack on this publication; which doesn't represent what is out there now, the Canadian flag?

**Mr. Foulds:** It's part of their fight with the feds.

**Hon. Mr. Grossman:** A matter of urgent public importance!

**Hon. J. W. Snow** (Minister of Government Services): Well, there is very urgent public importance to that question—

**Mr. Roy:** Yes, there is.

**Mr. Deacon:** After 10 years.

**Hon. Mr. Snow:** Not being the artist—

**Mr. Roy:** The minister is on his feet, that is the best exercise he has had in a long time.

**Mr. Good:** He is taking his orders from John Diefenbaker.

**Mr. Speaker:** Order, please.

**Hon. Mr. Snow:** Not being the artist who did the design or the layout for that particular brochure, I am afraid I can't give the member the reasons the artist would have for that, except—

**Hon. Mr. White:** Because it's an historical pamphlet.

**Hon. Mr. Grossman:** The artist happens to be a monarchist.

**Hon. Mr. Snow:** —that I would say it is a pamphlet based on the history of this particular building, and it may have been—

**Mr. R. Haggerty** (Welland South): It's still a ghost, eh?

**Hon. Mr. Snow:** —that that picture is to show that was the flag that was flying at that point in time.

Before we go any further, I point out that now, and for the past few months, the brochure and the tour guides and all the things the member is talking about, have come under the Office of the Assembly rather than the Minister of Government Services. But at the time that brochure was prepared, it was my responsibility.

**Mr. Roy:** One supplementary: Would the minister not agree that maybe we should

make it contemporary and reflect what stands today? That picture, as I see it, is the building as it exists. Would the minister not agree maybe we should bring the publication up to date—it must be some 10 years behind—and show what in fact exists out there, the Canadian flag?

**Mr. Turner:** It is a history.

**Hon. Mr. Snow:** Mr. Speaker, I suggest the hon. member might wish to put that recommendation forward to you as the chairman of the Board of Internal Economy.

**Mr. Speaker:** The member for High Park.

### LOAN SHARKING

**Mr. Shulman:** I have a question of the Attorney General, Mr. Speaker. Is the Attorney General aware that another gentleman who is involved in the loan sharking business in Toronto, one Jack Hovey, has been rubbed out—

**Mr. Roy:** I thought we had passed legislation to stop that.

Interjections by hon. members.

**Mr. Shulman:** —and that his common law wife has been informed that she is in mortal danger? Does the minister not think it's time we finally called a royal commission into the problem of organized crime in this province?

**Hon. J. T. Clement** (Provincial Secretary for Justice): I didn't hear the name of the person the member referred to.

**Mr. Shulman:** Jack Hovey.

**Hon. Mr. Clement:** Jack Hovey; no, I wasn't aware of that he had been—

**Mr. Roy:** How much did the member owe him?

**Mr. MacDonald:** As far as the minister is concerned, he has never been rubbed in.

**Hon. Mr. Clement:** —that he had been killed. I don't accept the statement that the deceased—I take it the member means the person is deceased—had, in fact, called for police assistance. I will check into it and see if, in fact, that is the case. But I am not aware of the situation. Could the hon. member tell me when his friend was rubbed out?

**Mr. Shulman:** I will send the minister the information.

**Mr. Speaker:** I think the member for Essex-Kent was first.

## PROCESSING PLANT STRIKE

**Mr. Ruston:** Mr. Speaker, I have a question of the Provincial Secretary for Resources Development, and it has to do with the strike at Wheatley. I asked him a question in regard to it on June 24. It involves the terminal warehouse and Omstead's processing plant. There are hundreds of acres of fresh bean crop, and the farmers have no place to store this crop. They are now making arrangements to store it in the United States. Is the minister aware of this, and has he done anything since June 24 about trying to get this strike settled, or making some other arrangements for the storing of these goods so that we don't lose them all?

**Hon. Mr. Grossman:** Mr. Speaker, is the hon. member referring to a question he asked here in the House at that time? I was under the impression that my colleague, the Minister of Labour (Mr. MacBeth), had replied to it. Maybe the hon. member wasn't present at that time. On the other hand, I could be incorrect.

**Mr. Ruston:** No, sorry, I have been here at every question period. The hon. minister did not reply.

**Hon. Mr. Grossman:** I will check that out with my colleague. I was under the impression he had answered.

**Mr. Speaker:** The member for Sandwich-Riverside.

## VANDALISM AT PROVINCIAL PARKS

**Mr. F. A. Burr (Sandwich-Riverside):** Mr. Speaker, a question of the Minister of Natural Resources regarding vandalism and hooliganism in provincial parks, which I drew to his attention over a month ago. What steps has the minister taken to prevent a repetition of the intolerable conditions encountered by families at the Wheatley Provincial Park on May 16, and which is continuing, especially on weekends?

**Hon. L. Bernier (Minister of Natural Resources):** Mr. Speaker, this is a matter that has attracted my own personal concern and my own personal involvement. I have to say to you sir, that the rowdyism and vandalism in our provincial park system is not decreasing, particularly—and the member has made reference to it—on the long weekends, three or four times a year. This year we added 25 additional conservation officers to my staff, and 15 of these people were trained in riot

control and are presently working right in the parks system.

In addition, I have had discussions with the Solicitor General. We have been getting tremendous and increased co-operation from the Ontario Provincial Police. In addition to this, I have suggested that possibly the Judy LaMarsh commission could look at the problem within our provincial parks system, and may comment on what direction we should go in her examination of violence within the media and violence within this province.

It's an area that is causing me personally some deep concern, and I want to indicate to the members of this House it's an area that I would continue to press for improvements.

**Mr. Foulds:** Supplementary, Mr. Speaker.

**Mr. Speaker:** Supplementary, the member for Port Arthur.

**Mr. Foulds:** Did I hear the minister correctly that he had suggested that the particular matter, which is a grave matter, be referred to the LaMarsh commission on violence in the media, and how does the minister relate provincial parks to media? Are there TV outlets at every campsite?

**Hon. Mr. Bernier:** Well, Mr. Speaker, I think the member misunderstood me. She is looking at violence in the media. When she is looking at this, it is possible that in her public meetings throughout this province, violence and rowdyism in our provincial parks system may come forward, and I would welcome her comments as to how we can fight that.

**Mr. Singer:** Maybe she could inquire into the rubbing out.

**Mr. Roy:** The minister is expanding the commission, is he?

**Mr. Speaker:** The member for Kent.

HOUSING INSPECTION FOR  
MIGRANT WORKERS

**Mr. J. P. Spence (Kent):** Mr. Speaker, I have a question of the Provincial Secretary for Resources Development. Is the minister aware that in the county of Kent there are a great many migrant farm workers, whose housing has to be inspected before they can be inhabited? Last year this inspection was carried out under the Minister of Health (Mr. Miller), but this year it's not available.

This year there are a lot more applications for inspection than there were last year. This is a concern to the migrant workers. They will

be unable to move into this housing if it isn't inspected, I am informed.

**Mr. Good:** Get down and inspect it.

**Mr. Spence:** What is the minister going to do?

**Hon. Mr. Grossman:** I take it from the hon. member that he's concerned that there is a delay in the inspection?

**Mr. Spence:** That's right.

**Hon. Mr. Grossman:** I'll do something about that this afternoon.

**Mr. Speaker:** The member for Sudbury.

### SUNDAY TRUCKING

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, I have a question of the Minister of Transportation and Communications. Now that he has lost another tussle before the Canadian Transport Commission in that it has granted permission for Alltrans Express and Kwikasair to do unlimited trucking on Sunday—it should be obvious to the minister that we cannot rely on the Canadian Transport Commission to protect us from Sunday trucking—when will he bring in legislation which will protect the people of Ontario from Sunday trucking, particularly on Highway 17, where the situation is just impossible if Sunday trucking is continued or allowed to expand?

**Hon. Mr. Rhodes:** Mr. Speaker, I think perhaps the question should more appropriately be addressed to the Attorney General because I would not be bringing in that sort of legislation.

As I have indicated before, we have had some discussions in attempting to find out how we can control trucking on our highways. I think it is fair to say, although we are very quick to point to Sunday trucking, Sunday trucking itself is not the major problem. It's the whole weekend and, especially, on a long weekend, the return traffic coming in on Mondays is a problem.

It's not a very easy one to solve by simply saying that we should ban the trucks. That's an easy solution, to ban them. But there is the effect it is going to have on the economy of this province by just banning the trucks, and picking a Sunday when probably it is more important to control it on Mondays. We are trying to develop some legislation but the cure-all the member seems to have, of passing legislation and banning everybody, isn't going to work.

**Mr. Speaker:** The member for Waterloo North.

### DRIVER TRAINING

**Mr. Good:** I have a question of the Minister of Transportation and Communications, arising out of an inquiry from a constituent. Is the minister concerned—and I would ask him if this is correct—that there are no facilities in the province to give driver training to people wanting to learn how to ride a motorcycle, either through high school driver training or a public commercial enterprise giving driver training in that regard? Secondly, is it correct that one cannot get a temporary driver's licence to learn how to drive? One can only get that after passing the written test and it's only good to go to the driver's test. If one fails the driver's test, one can't even get the bike back home again legally without getting a truck to pick it up. Is the minister concerned about the lack of training facilities?

**Hon. Mr. Rhodes:** I don't believe there are any training facilities or driver education programmes as they relate to teaching someone to drive a motorcycle; none that I know of in the province anyway. We have made some changes in the licensing requirements and I think we have successfully overcome the problem the member has just related—that is, taking the motorcycle down to the examination. We've changed that now and there is a special permit available which will allow them to take the motorcycle out and practice, if one will, other than on the city streets. They can now get a special licence. I don't have all the details but we made that change some time ago.

**Mr. Good:** Could the minister look into it more thoroughly and get an up-to-date report? I understand there is no temporary licence they can get during the period of trying to learn how to drive a motorcycle. They have to do it more or less illegally.

**Hon. Mr. Rhodes:** Yes, I'll get the details for the member, but I think that's been taken care of.

**Mr. Speaker:** The member for Cochrane South.

### TIMMINS GOVERNMENT BUILDING

**Mr. Ferrier:** I have a question, Mr. Speaker, of the Minister of Government Services growing out of the mini-budget statement of the Treasurer on Monday. Has the leaseback



agreement for the construction of the new government office complex in Timmins been signed? If so, with whom? When will the actual construction get under way to stimulate the economy and provide jobs in the area?

**Hon. Mr. Snow:** No, Mr. Speaker, no leaseback agreement has been signed. The working drawings and specifications for the Timmins building are in progress now and have been for some time. The contract documents will not be completed until, perhaps, late August. We expect to be advertising for tenders for the construction of this building on a leaseback basis in very early September.

It will, I believe, be the latest of the five projects we will be proceeding with. There is no reason for it to be later than the others other than the contract documents, the working drawings, are not as far advanced on the Timmins building as they are on some of the others.

**Mr. Ferrier:** As a supplementary, could I infer from what the minister has said that it would likely be late fall or early winter before all the papers could be signed and work could actually get under way?

**Hon. Mr. Snow:** Yes, I doubt very much, Mr. Speaker, whether we can actually get construction under way before fairly late this year.

**Mr. Foulds:** After the election.

**Hon. Mr. Snow:** Yes, it'll be after the election, I am sure.

**Mr. Speaker:** The member for York Centre.

**Mr. Foulds:** Because of the opposition member's speech.

Interjections by hon. members.

**Mr. Speaker:** Order please, the member for York Centre.

## ONTARIO LOTTERY

**Mr. Deacon:** A question of the Minister of Culture and Recreation. Is the minister having difficulty in selling the Wintario lottery tickets and if not, why is he spending thousands of dollars on advertising like this?

**Hon. R. Welch** (Minister of Culture and Recreation): Mr. Speaker, the minister is not selling Wintario lottery tickets—

**Mr. Haggerty:** Come on! He has got his name on it.

**Mr. Ruston:** His name's on it.

**Hon. Mr. Welch:** The Ontario Lottery Corp. obviously feels it's necessary to share the names of those who have been successful as part of the ongoing promotion of a very successful game called Wintario.

**Mr. Ruston:** Why does the minister need a full page ad?

**Mr. Deacon:** A supplementary: Since the press takes care of publicity with regard to the winners without charging for it as in these advertisements, would the minister not agree that a more important priority for a presentation and advertising programme would be to provide some money to the Criminal Injuries Compensation Board so it can do something to show the benefits available to the public there?

Interjection by an hon. member.

**Hon. Mr. Welch:** Mr. Speaker, I think the Criminal Injuries Compensation Board is doing a very good job discharging its responsibilities.

**Mr. Deacon:** They haven't got any money.

**Mr. Turner:** That is nonsense.

**Hon. Mr. Welch:** I would think that's not the case. I think if the hon. member were to direct the question to the Attorney General he'd be quite impressed by the tremendous effort made by the Criminal Injuries Compensation Board with which this minister is familiar, to advertise—

**Mr. Singer:** How does he know?

Interjections by hon. members.

**Hon. Mr. Welch:** —the existence of the board and the procedures of the board. Why doesn't he ask the Attorney General what has been done by that board to make sure the services of that board are widely known throughout Ontario? The public is entitled to know who some of these winners are. If the member reads his mail the way I read my mail, there has been some concern—

**Mr. Ruston:** Some.

**Hon. Mr. Welch:** —with respect to this particular area—

**Mr. Deacon:** The press lists the names of winners at no cost.

**Hon. Mr. Welch:** —and the Ontario Lottery Corp. is very anxious to publicize the winners as part of the ongoing—

Interjection by an hon. member.

**Hon. Mr. Welch:**—promotion of the game.

**Mr. Deacon:** Would the minister not agree that it doesn't need a full-page ad to tell us? Is he concerned about that? Isn't the minister concerned about waste in government?

**Mr. Speaker:** Order, please. The hon. member for York South.

## FINANCING OF POLITICAL PARTIES

**Mr. MacDonald:** I have a question of the Minister of Revenue. Is the minister in a position to indicate what progress, if any, has been made in negotiations with the federal government for possible implementation of the Camp committee recommendation on checkoffs in income tax filing to broaden the financing of the political parties?

**Hon. Mr. Meen:** I haven't had any recent correspondence with the Minister of National Revenue, Mr. Speaker. The latest I had from him in about the third week of June, I think, indicated that he is concerned about the very points we had discussed earlier, particularly this matter of checkoff. We are still discussing it and I guess it is fair to say I am not satisfied that any further progress has been made.

**Mr. MacDonald:** A supplementary: What is the hangup, since all the minister wants on income tax filing returns is an indication as to which party the filer is willing to have a \$2 contribution made on his behalf? All he is getting is the information that X number of people want this to be done on their behalf. Since it doesn't involve money, what is the hangup? It doesn't involve money as far as the federal government is concerned.

**Hon. Mr. Meen:** The indication made by the Hon. Ron Basford to me, sir, was that inasmuch as they are dealing with 10 provinces and not just with Ontario, they would want to have some kind of general acceptance of this principle. I think there may also be some misgiving—I hope I am not reading too much into our discussions on this—about the application of a political party name on an income tax return form.

I have read with some interest a study done in the United States just recently on the question of how they have been contributing to political campaign funding along the same principle—the checkoff arrangement that has been proposed by the Camp committee. I think it is a very sound, detailed analysis

of the problems there that they too, in the Internal Revenue Service of the United States, shied away from the designation by actual parties in the federal contribution programme of the IRS. At this stage, they don't do it.

I think this may be some reason for the misgivings which I sense are there, but, in any event, the discussions will be ongoing and, as I have indicated earlier in this House, we will perhaps be able to get to grips with the problem and resolve it in the next few months.

**Mr. MacDonald:** A final supplementary if I may: Does the Province of Ontario not have control by agreement of at least the one sheet that is added to the filing? If that is the case, why can it not be on that one sheet, which is information that Ontario receives?

**Hon. Mr. Meen:** One has to remember, Mr. Speaker, that the form to which the hon. member for York South refers is the tax credit programme which is unrelated in many respects to the tax payable, whereas the programme which has been recommended by the Camp commission would have the checkoff deductible from tax payable. It may well be, therefore, that our form is not appropriate for the tax checkoff system.

**Mr. MacDonald:** On a point of order, Mr. Speaker, the minister is wrong. The proposal of the Camp commission is that the taxpayers indicate that they want a contribution to be made by this government on their behalf and there is no deduction at all on the actual form. The minister is mixing it up with the rebate.

**Hon. Mr. Meen:** No, I am not.

**Mr. Speaker:** The member for Ottawa East. Order, please. This has become a debate now and it is not a question and answer.

## CULTURAL POLICY

**Mr. Roy:** I have a question of the Minister of Culture and Recreation. As the Minister of Culture and Recreation in this province, I wonder if he agrees with the statement from a number of his colleagues in the federal Conservative caucus, called the Chateau group, whose apparent cultural policy is as follows: That therefore there will be a united and strong country created by the assimilation of all newcomers and the assimilation of all unassimilated pockets of long-term residents. Does the minister agree with this cultural policy?

**Hon. Mr. Welch:** Assimilation is not the policy of this government. Integration is the policy of this government and it is multi-cultural. I don't agree with the use of the word "assimilation."

**Mr. Speaker:** I think I erred a moment ago. The hon. Minister of Revenue had a response to the member for York South which I should have allowed.

## FINANCING OF POLITICAL PARTIES

**Hon. Mr. Meen:** Thank you, Mr. Speaker. I feel it appropriate I should respond. The form which we are using is indeed our tax credit form. It is difficult, perhaps impossible, for us to include on that form some kind of designation on the tax credit end of things, that is, per se, inasmuch as it would have to be carried over then into the income tax section of the rest of the form and that would carry with it the party designation. We are still struggling with it.

The hon. member for York South is shaking his head but the fact of the matter is that things are rarely as simple as one may think. This turns out to be not as simple as first blush would appear.

**Mr. MacDonald:** Don't get into that school-teacherish attitude. The minister should go back and read the Camp commission report. It doesn't affect the tax form and the minister knows it.

**Hon. Mr. Meen:** We are still working on the problem and hopefully can resolve it.

**Mr. Speaker:** The oral question period has expired.

Petitions.

Presenting reports.

Mr. McNeil, from the standing resources development committee, presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills with certain amendments:

Bill 14, the Environmental Assessment Act, 1975;

Bill 15, An Act to amend the Environmental Protection Act, 1971;

Bill 16, An Act to amend the Ontario Water Resources Act.

**Mr. Speaker:** Shall these bills be ordered for third reading?

**Mr. J. A. Renwick (Riverside):** The committee of the whole House for Bill 14.

**Mr. Speaker:** I think, since there is more than one, we had better separate them. Shall Bill 14, the Environmental Assessment Act, be ordered for third reading?

**Mr. Renwick:** No, Mr. Speaker, the committee of the whole House.

**Mr. Speaker:** The committee of the whole House, Mr. Minister. That's the only place there is for it to go.

Agreed.

**Mr. Speaker:** Bill 15, An Act to amend the Environmental Protection Act.

**Mr. Renwick:** Mr. Speaker, committee of the whole House.

Agreed.

**Mr. Speaker:** Bill 16?

**Mr. Renwick:** Committee of the whole House.

Agreed.

**Mr. Speaker:** Motions.

Introduction of bills.

## ONTARIO HERITAGE AMENDMENT ACT

Hon. Mr. Welch moves first reading of bill intituled, An Act to amend the Ontario Heritage Act, 1974.

Motion agreed to; first reading of the bill.

**Hon. Mr. Welch:** Mr. Speaker, the purpose of the amendment is to ensure that section 68 of the Act applies where a building or structure is designated by a bylaw under a public or private Act as a building or structure of historic or architectural value.

## INSURANCE AMENDMENT ACT

Hon. Mr. Winkler, on behalf of Hon. Mr. Handleman, moves first reading of bill intituled, An Act to amend the Insurance Act.

Motion agreed to; first reading of the bill.

**Hon. Mr. Winkler:** Mr. Speaker, the purpose of the bill is to permit the farm fire mutuals to write insurance on agricultural property without the necessity of obtaining a premium note from the policy holders. In substitution for the premium note will be a trust fund to be established and maintained



by those farm mutuals electing to no longer write business on the premium note plan. This bill is in furtherance of a request of the Ontario Mutual Insurance Association and its 54 member companies.

**Mr. Deans:** Mr. Speaker, on a point of order, sir, I want to ask for clarification on a ruling which you made, not on the ruling itself but on the application of the ruling to future debate and to future bills reporting back. Last evening it was ruled by you, properly I presume, that a reasoned amendment was out of order at the time of the second reading of Bill 21.

**Clerk of the House:** Just that reasoned amendment.

**Mr. Deans:** Just that reasoned one? Then I want to be clear: I am correct in assuming that another reasoned amendment, a substantive motion of some kind, would be in order at second reading of a bill reported back from the private bills committee? Thank you. It was only that reasoned amendment? Thank you very much.

Would the Speaker answer me? The Clerk answered me. Maybe the Speaker had better answer me, too.

**Mr. Speaker:** I was going to answer, yes. I think the Clerk has delivered you the reason but in that particular case yesterday, it was out of order for the reasons announced. That's not true of all reasoned amendments in such cases. We can probably clarify it more.

**Mr. Deans:** Thank you.

#### OTTAWA-CARLETON DETENTION CENTRE

**Mr. Roy:** Mr. Speaker, I have raised a motion on a matter I consider to be of urgent public importance and I want to explain to you and to the House why I feel the matters of the House should be adjourned to discuss this matter.

I would bring to your attention, Mr. Speaker, that on June 5, 1975, there was a breakout from the Ottawa-Carleton regional detention centre and at that time seven inmates, some extremely dangerous, were able to escape; since that time three of the inmates are still at large. Following the breakout, the Minister of Correctional Services (Mr. Potter), I understand, went down to Ottawa and reviewed the situation.

I think it was agreed by all parties involved at that time that the reason for the breakout was, first of all, that there was a failure in

design which must be changed in the regional detention centres. It was mentioned at that time about the fence being too close, and requiring meshing. It was mentioned at that time as well about security matters inside the detention centre.

Apparently the most important failure in relation to the escape was a staffing problem at the regional detention centre. On the night of the escape, as I understand it, there were only seven guards in the entire complex. The union had been suggesting that there be something like 16 men per shift. It was my understanding at that time that the minister had agreed that there should be something like 10 to 12 guards on duty per shift.

Unfortunately, Mr. Speaker, it has come to my attention, first of all, dealing with security in the regional detention centre, that none of the security corrections have been made since the time of the escape. Apparently the only security matter that has been added was some radar contraption in the basement having something to do with closed circuit television. All security failures in the regional detention centre inside and outside dealing with the fence have not been corrected.

More importantly, I am advised that the staffing problem at the regional detention centre has deteriorated even from the time of the escape back to June 5. I am advised that there has been an attempt on the part of the government or on the part of the people in charge of the centre to hire additional guards. I am informed that some three or four people have been hired, but none has shown up. I am informed also that some of the guards have quit. It is my information that one of the guards has quit, four are presently in the process of giving their resignations and a number of the other guards are in the process of looking for other jobs.

The problem there is that the guards who are left are having to work additional time overtime and what is happening is that many are booking off sick. The problem appears to be that instead of having the 10 or 12 complement of men per shift we have situations where on June 30 apparently there were only seven guards on duty. I am advised that in relation to the night shift sometimes the number of people on duty is even lower than this.

I bring this to your attention, Mr. Speaker, and to the attention of my colleagues, because sometimes if there are only seven guards on duty for something like 125 or 140 inmates, both in the maximum and the minimum security, that type of situation is what encourages escapes in the first place. I bring it to the

attention of the House in order that this matter might be looked into so that we might discuss it. This matter has been under review apparently by the ministry for some two years and the problem still exists.

I point out that at the time of the escape one of the guards was seriously injured and could have been killed. It was only an act of God that the gun misfired. I bring this to your attention, Mr. Speaker, so that this matter may be looked into. I bring this to the attention of the House so that we can get some answers from the ministers. I bring this to the attention of all my colleagues here so that we can get some action now so that the people in the Ottawa-Carleton area can be satisfied that adequate measures are being taken at the regional detention centre and so that what happened on June 5 will not be repeated.

Mr. Speaker, I think it is of urgent public importance and I bring it to the attention of the House accordingly.

Mr. Speaker: Each of the other parties may have five minutes to explain why they do or do not consider this a matter of urgent public importance. The member for Wentworth.

Mr. Deans: Mr. Speaker, a matter of urgent public importance must have, by my sense of it at least, a fairly universal application. It must apply to more than one area. I think this probably does apply to more than one area. While the specific example used by the member for Ottawa East is the matter of the Ottawa-Carleton detention centre, we have no direct knowledge that the conditions that exist there do not exist in other detention centres.

I think there is a genuine concern among the public at this point about the escapes that have taken place from that detention centre and from other detention centres, not only in the Province of Ontario but across the country. I think the concern ranges all the way from a sense of uneasiness to outright fear in some particular communities and to anger in others. I think the concern reflects the frustration of citizens about the adequacy of the procedures used within detention centres to ensure that persons who are duly sentenced for crimes are kept within the confines of the institution to which they have been sentenced and that there is a sufficient amount of care taken to ensure that they are not able to leave at will.

I think the minister has to be very wary that he doesn't somehow or other feel that his institutions are immune to the problems of other jurisdictions. While the minister may feel—and may feel quite rightly—that his in-

stitutions are no different and may be better than institutions in other jurisdictions, I think the public's sense of concern at this point is worthy of some discussion in this Legislature. I think it is worthy of a discussion by the minister to explain what the procedures are going to be to meet the conditions at Ottawa-Carleton and, not only that, but to say what he intends to do to try to ensure that proper steps are being taken to ensure that not only what happened there, but what might well happen in other institutions, cannot occur.

I do think, therefore, that the matter before us is a matter of urgent public importance. I think it has general application. There is no doubt that the public is concerned. If members of the public were to be asked on the street or in their homes or in their places of business or work whether they felt that the measures brought out by the recent comments of the member for Ottawa East are of importance to them, I think they would say yes.

Mr. P. Taylor: They are quite important.

Mr. Deans: I think that's the test. I don't think any member of the Legislature could deny that the public certainly is vitally concerned—

Mr. P. Taylor: They are nervous.

Mr. Deans: —about the escapes, about the reasons for the escapes and about the adequacy or otherwise of the precautions that are taken to ensure that further escapes cannot take place.

I urge you, sir, to rule that this is a matter of urgent public importance and that adequate time be allowed for a suitable debate to find solutions.

Mr. Speaker: The hon. minister.

Hon. R. T. Potter (Minister of Correctional Services): Mr. Speaker, I am sure the member for Ottawa East is expressing his concern at the institution there and the concern of the people in Ottawa. I would share his concern if the information he was given was, in fact, true.

Mr. Roy: Well, I have verified it.

Hon. Mr. Potter: But I would suggest, Mr. Speaker, that the member for Ottawa East perhaps should get himself a new stooge. I think perhaps he is misled with some of the information which has been handed to him.

There is no question there was an outbreak of several prisoners in Ottawa several weeks

ago. At that time, I explained to the House some of the reasons why the escape was possible, the main point being it was a mistake in judgement. If the guard hadn't unlocked the door when he shouldn't have, it wouldn't have happened.

At the same time we pointed out that we did have an inquiry into the facility. There were some changes that we recognized had to be undertaken and they are being done as quickly as possible.

**Mr. P. Taylor:** Nothing has been done.

**Hon. Mr. Potter:** We also demonstrated that there was a shortage of staff. Since that time, 16 additional complement have been added to the institution and we are trying to hire these people as quickly as possible. As a matter of fact, one started work this morning.

**Mr. Speaker,** I am sure the hon. member isn't doing it intentionally but, as I say, he is being misled. He said to this House that on June 30 there was a staff of seven people and one receptionist in charge of the jail.

**Mr. Speaker,** on June 30, there was a superintendent, a deputy superintendent, two assistant superintendents, a temporary absence co-ordinator, a storeman, four office staff—

**Mr. Roy:** Were they there all day?

**Hon. Mr. Potter:** —four summer staff, an office manager, 10 correctional officers, class 1 and 2, and two correctional officers class 4. That's one hell of a lot more than seven.

**Mr. P. Taylor:** What about after 5 o'clock?

**Mr. Roy:** How long were they there?

**Mr. Speaker:** Order, please.

**Hon. Mr. Potter:** **Mr. Speaker,** I'm sure we have all kinds of people here who consider themselves authorities on correctional institutions, just as they consider themselves authorities on health, environment or what you like.

**Mr. Henderson:** And elections.

**Hon. Mr. Potter:** They must appreciate that at night, when all the prisoners are locked in their cells, we have a much smaller staff. The staff is usually night. There is no doubt about it. But that in these types of institutions—

**Mr. Singer:** That's a fair statement, isn't it?

**Hon. Mr. Potter:** Recently, in the last six months, I have been touring the province. I have been in every institution with the exception of five in this area. Yesterday, I wasn't in the House because I was in Sarnia, Windsor and Chatham. It's odd that we sit here this morning and listen to the comments of the two members who have spoken about the concern being expressed about people escaping from jail. It's true; but yesterday when I met in Windsor with all of the judges, they commended this government for the correctional services that are provided.

**Mr. Deans:** That is not in dispute at the moment.

**Mr. Ferrier:** That is in western Ontario, not in the Ottawa area.

**Hon. Mr. Potter:** They said that on many occasions.

**Mr. Henderson:** Judge Clunis is part of the Liberal Party.

**Hon. Mr. Potter:** I find the same thing, **Mr. Speaker,** when I visit other parts of the province.

**Mr. Singer:** What was that again?

**Mr. Henderson:** I said Judge Clunis was part of the Liberal Party.

**Mr. Speaker:** Order, please.

**Hon. Mr. Potter:** I'm not suggesting, for one minute—

**Mr. Singer:** Keep the member for Lambton in order.

**Mr. Speaker:** Order, please. The hon. minister has the floor for another 30 seconds.

**Hon. Mr. Potter:** I'm not suggesting for one minute that our programmes are perfect—far from it—but certainly we're far ahead of most other jurisdictions. There is no question we have a shortage of staff in some areas but my concern is greater in the area of probation than it is in the institutions.

**Mr. Singer:** Probably the best in the world.

**Hon. Mr. Potter:** Several of our institutions could stand more staff. We're doing the best we can to get them, and we will get them. **Mr. Speaker:** I see no need to waste the time of this House by debating this any further.

**Mr. Roy:** Leading in time, Mr. Speaker.



**Mr. Speaker:** Order, please. I have to rule on two matters. First of all, whether the motion is in order; and of course due notice was given in writing to the Speaker according to our standing orders.

The next is a matter of whether or not it can be considered of urgent public importance. This is, as you can understand, very difficult. I think the member for Wentworth put it very well, that this particular incident applied to one particular area. The hon. minister has explained what happened at that time and possibly since. I can see where there could be concern that such matters have to be very tightly controlled and the concern could be, perhaps, beyond the borders of that particular area.

I am willing to be a little easy on this and put it to a vote of the House, as I must do anyway, because I must ask the question which I shall do in a moment, shall the debate proceed? I'll be guided by your response.

I will now put the motion: Shall the debate proceed?

Those in favour of the debate proceeding will say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

**Mr. Singer:** Your ruling is good but your hearing isn't.

**Mr. Speaker:** No, I was prepared to rule either way, I assure you.

Do we wish the members called in?

Some hon. members: Yes.

**Mr. Speaker:** The hon. member for Ottawa East had proposed that the ordinary business of the House be set aside for the sake of an emergency debate.

The question that has to be decided at the present time is, shall the debate proceed?

The House divided on the motion that the ordinary business of the House be set aside for the sake of an emergency debate, which was negatived on the following vote:

**AYES**  
Bounsall  
Burr  
Campbell  
Deacon  
Deans  
Ferrier  
Foulds  
Gaunt  
Germa  
Good  
Haggerty

**NAYS**  
Beckett  
Belanger  
Bernier  
Carruthers  
Downer  
Drea  
Eaton  
Evans  
Gilbertson  
Grossman  
Havrot

<b>AYES</b>	<b>NAYS</b>
MacDonald	Henderson
Newman	Hodgson
(Windsor-Walkerville)	(Victoria-Haliburton)
Riddell	Hodgson
Roy	(York North)
Ruston	Kennedy
Samis	Kerr
Singer	Lane
Spence	Leluk
Taylor—20	Maeck
	McKeough
	McNeil
	Meen
	Newman
	(Ontario South)
	Nixon
	(Dovercourt)
	Potter
	Rhodes
	Root
	Smith
	(Hamilton Mountain)
	Snow
	Taylor
	(Prince Edward-Lennox)
	Turner
	Villeneuve
	Wardle
	Wells
	White
	Winkler
	Wiseman
	Yaremko—38

**Clerk of the House:** Mr. Speaker, the "ayes" are 20, the "nays" 38.

**Mr. Speaker:** I declare the motion lost.

Orders of the day.

**Clerk of the House:** The 13th order, House in committee of supply.

#### ESTIMATES, MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

**Hon. W. D. McKeough** (Treasurer, Minister of Intergovernmental Affairs): Mr. Chairman, I have no opening remarks on these estimates, but we have prepared 2½ pages of notes as to what we think is appropriately dealt with in lay language under the various votes, which might be helpful.

**Mr. Chairman:** The hon. member for York Centre.

**Mr. D. M. Deacon** (York Centre): Mr. Chairman, I am pleased that in the absence of

our critic today I actually am acting as the economic critic for our party.

I am very interested in going into this matter of the administration programme of this minister, the one who has been talking so much about government leadership and restraint in spending. I've heard a lot, as we all have about cutting back on expenditures. Although we thought his predecessor was the great spender, his increase in spending in 197-1974 to 1974-1975 was a mere 24 per cent. This minister has achieved in his ministry administration, an increase in expenditure of 28 per cent. That surely is quite an addition to the inflationary pressures that he is making and is not showing much of the restraint in government spending he has talked so much about.

It's certainly disappointing that the Treasurer isn't giving some example to the rest of his colleagues. I'm sure we'll hear the reasons for this, from the minister as we get into each part of the vote, but I think that's a point. A 28 per cent increase in spending in his own ministry administration is something he certainly should give us some explanation about.

For some months, ever since that April budget came out, I've been looking into the whole question of the future credit of the province—the Treasury side of this ministry—and its ability to meet its obligations in the future.

When I started to look into the analysis of debt, I was astonished to see how the province has somehow presented the fact that its net debt is around \$4.7 billion at the end of the coming year. When you analyse how they got that net debt the figure of \$4.7 billion, Mr. Chairman, you realize they must be showing tremendous amounts on the asset side, realizable assets that would bring them down to a net debt position of that amount, because the gross debt of the province is considerably above that. In the year 1973-1974, it ended up at about \$9.4 billion. With the deficits the province is now incurring under the leadership of this present Premier (Mr. Davis) and his colleague, the Treasurer, we're going to have a tremendous increase in financial requirements and I think people are going to look at what that debt position is with some greater care.

If you start to look at how they bring the net debt down, Mr. Chairman, you realize that they list as assets major amounts that are advanced to corporations which the government has set up as an offset. I could understand it if these advances were to revenue-producing corporations standing on their own feet, such

as Ontario Hydro, but it's different when these advances are made up in large part as advances to such corporations as the University Capital Aid Corp., the Education Capital Aid Corp., the Ontario Housing Corp. and to many organizations, most of which actually are a drain on the province's revenues. In fact there are substantial amounts each year set aside to cover deficits in the operating costs of these so-called assets.

Surely it's misleading for the province to report its debt position in the way it is doing so. I'm sure, as we come forward into a period when the province has to go to the market, there will be plenty of questions asked about these so-called assets. I would think that the government should be much more open in its analysis of its actual capital asset position and indicate that indeed most of these so-called assets are really something that should be written off as other government expenses are when it comes to public buildings. They should be written off and not shown as something which we can expect to realize in the future.

I can't imagine the province seizing the assets of the University of Toronto, or the assets of the board of education in North York or others, if they do not meet obligations incurred here. These organizations are the children of the province; they're dependent upon the province for their income. The taxpayers have to add substantially to the revenues of these corporations for them to meet the obligations to the public.

Therefore, I think it's misleading to show, as the province now does, a net debt position which is really meaningless. It should be showing its debt as a gross debt position and certainly not showing anything as an asset that isn't truly a self-supporting, revenue-producing asset, such as I concede that Hydro is. I can understand and agree with this policy with regard to the washing through of all the Hydro accounts.

Another point I want to bring up, Mr. Chairman, is the problem we are facing in the future in Treasury because of the decline in captive accounts. It's not a bad trend in my mind. It's actually a good thing that in the future we will have to go to market instead of having different pension funds that in effect the province can lean on. The province is depriving these groups of normal return on their funds because of the fact that their pension funds are a captive source of funds for the province.

A terrible conflict of interest has occurred in these funds—the teachers' superannuation fund, the Ontario municipal employees' re-

tirement fund, the Canada Pension funds. Certainly it has been the province's right to have these moneys available, but we should not think that is going to carry on forever.

The Canada Pension fund, which I think provides 56 per cent of provincial borrowing needs and is larger in Ontario than in any other province as a source of funds, certainly is not going to last for much longer. In 1980 or so, there will be more money going out from the province than coming in from the Canada Pension Plan, and the fact is that that source of funds will dry up. It will be necessary for the province to go to the market for its borrowings. We will have to then pay whatever the market is demanding or requiring to be competitive with other demands for capital. I would think the minister should cut free of other funds—as he is now doing with the Ontario municipal employees' fund—so they can make their own judgments. Those who expect to benefit from the funds have the right to run their own funds, to completely control them, instead of being dependent upon the province to manage the funds; especially when the province has been in such a conflict of interest position.

I also want to bring out the matter of the economy and the dispersion of opportunities in this province. This is very much a part of the Treasurer's responsibility in the area of economics, knowing what can be done to disperse growth away from an area such as the "golden horseshoe." Much has occurred in this area and at a great cost. There are increasing costs and these are of increasing concern to people living in this area. The deprivation of opportunity has also been of much concern to areas away from the "golden horseshoe."

I am interested to know what the ministry's studies show as to what could be done to disperse opportunities. Why do we have to have all the government ministries located in high cost real estate around Toronto? Why isn't there economy, as well as advantages in as far as being aware of what is going on in other parts of the province; first of all in dispersing government departments away from this "golden horseshoe" area itself? Why should the Ministry of Agriculture and Food be at Bay and Bloor? Why couldn't the Ministry of the Environment be in Sudbury? Why couldn't Natural Resources be in Timmins? Why couldn't these ministries be run at a much lower cost for space in areas other than Toronto, and sub-lease those buildings to provide for job opportunities in areas away from Toronto? To do so would do much to do what this government has stated in the

past it has wanted to do, and that is to disperse opportunities to other parts of Ontario.

One of the things done by Mr. Frost, when he was Premier of this province—which I felt was a fine project and proved to be of great benefit to this province—was a major highway going from Windsor to Cornwall and on to Quebec. Highway 401 proved to be a tremendous boon to economic development all along its route. Has the minister—have his advisers given him—any ideas about what such a new project or highway transportation link could do to northern Ontario by making it the link between eastern and western Canada that it should be?

At the present time, some 75 per cent of all highway transportation between the east and the west goes through the United States, not because it is a shorter distance—it is, in fact, several hundred miles longer—but because our own routes are so inadequate. We have failed to make use of the terrain; we have not only deprived that part of Ontario of the economic benefit that would be provided by having transportation going through northern Ontario, we have also been prevented from opening up opportunities in that part of the province which might well be made available.

For example, tourism is a very brief activity in northern Ontario. It doesn't go on for much of the year, and if, added to tourism, there was the movement of freight between east and west on a highway—which is a very important medium for freight movement—it would supplement the loss or replace a lot of the economic activity which took place when the railway shut down in such points as Nakina and other parts of northern Ontario. Along that northern route of the railways, over the top of Lake Nipigon, not only is the countryside of a very good type as far as construction ease is concerned, it also is an area where there is a tremendous need for economic opportunity. I would be interested to know if the ministry has done any studies on that type of major new thrust or programme which could do so much to provide opportunities to parts other than just this "golden horseshoe."

It is interesting that this government has chosen at this particular time to challenge the federal government on the need for that second airport at Pickering. It is something, of course, we have agreed with and urged them to do for some time. The real reason I am sure, that this minister wanted that second airport or something to happen east of Toronto, back in 1972 when he contrived this scheme with the Minister of Transport,



was to provide for an economic thrust east of Toronto.

What has the minister done to provide a much more important, valid and significant thrust for development in the eastern part of Ontario? I would be interested to hear what his advisers have in their minds as an alternative to such a thing as Pickering which was an artificial, unnecessary type of economic stimulant.

I am sure the people in the Whitby-Oshawa area, who felt that Pickering airport would be a great thing, would be much happier if a far more necessary and sensible type of stimulating economic activity was developed for that part of the Toronto-centred region. For example, even moving the Ministry of Health out there might be one thing that would do something. If you moved it well beyond the Bowmanville area into the Cobourg-Port Hope area, it would be something that would at least provide a new thrust or development in that area and a strong base or underpinning for economic activities.

Together with the Treasury and Economics aspects of this ministry. I'm very interested to know what this ministry is doing to try to untangle the increasing snarl taking place in regional offices of the government throughout the province. It is the ministry responsible for intergovernmental affairs; it's the ministry responsible for dealing with the municipalities; but in doing so it has continued to increase its control—central control—right here in Toronto at Queen's Park.

This ministry and other ministries have set up regional offices, few of which have similar locations, few of which keep in touch with each other and so all the communications still flow into Toronto and back out again. These regional offices are not doing the job they could do. Surely it is this ministry which should assume the responsibility for giving leadership to co-ordinate the provincial activities in these various regions of the province where regional offices have been set up. Give them budgets; give them authority and responsibility so that the tremendous volume of correspondence and activity which now has to flow back and forth between the regional offices and Toronto, Queen's Park, is made unnecessary.

The stories we hear of confusion within the ministry itself, to say nothing of the other government ministries, are really terrible to hear. They're wasteful and if this minister is really concerned about getting efficiency in government, I would hope he would give some leadership to organizing these regional offices so they really are provincial regional

offices with authority and with the opportunities to provide much better service to the regions they are intended to serve.

With regard to this whole matter of municipal government we in this party still feel municipal affairs is one of the most important ministries we could have and therefore should be on its own. We feel this ministry should show a much faster move toward unconditional grants than it has. We notice that in this year's budget it's up to 13 per cent of grants from the provincial government to the municipalities and school boards—unconditional grants up from 10 per cent to 13 per cent but it is still a pittance compared to what it should be.

The idea that the only way to control local government is to make grants conditional is a pretty antiquated approach to getting responsible spending in government. Certainly it is local people who should and could be much more responsible and provide much greater value for the tax dollar than any carefully controlled provincial government programmes directed from Queen's Park. A percentage type of grant is an incentive to a municipality to spend more money whereas unconditional grants, combined with a system of comparative evaluation as to how other municipalities are spending the moneys provided them, would give them an incentive to weigh carefully every expenditure because there would be no one else picking up the cost.

For example, instead of making bridge grants of 75 per cent for the construction of bridges on highways, if, in the case of a bridge estimated to cost \$1 million the province said, "There is your cheque for \$750,000 and it's up to you to build that bridge up to the specifications but as economically as you can," the region or the local municipality would make every effort to get the really best value because every dollar they saved would be a dollar saved from the local taxpayer's tax bill. That's where the real pressure should come, from the local people. By the system of comparative evaluation and making those evaluations public, it would be possible for municipal voters, councillors and administrators to see what others are doing, compare openly what results are obtained for the tax dollars and provide almost a competitive system of government.

I think it's the only possible way we are going to get government expenditures of a responsible and efficient manner instead of the system in the past where there has been competition on the part of municipalities to get more grants out of Queen's Park on a

percentage basis where in effect only a fraction of a dollar gets a dollar's worth of benefit for the municipality.

It seems to me that it's much more important for us to get our grants out from the province on a per capita basis based on the assessment per capita, which would be some reflection of the ability of the area to raise funds on its own. There is some recognition by such a method of differing availability of funding in different parts of the province. This would be an unconditional grant system of per capita grants, using the assessment per capita formula—and maybe some other adjustments will be necessary.

In a system where the total funds go in unconditionally, it would make a tremendous difference to giving our local governments real authority and real responsibility. By a system of evaluation operated here at Queen's Park, instead of direction operated from Queen's Park, we would do a great deal to restore again the autonomy that is so important to good government in this province.

Those are the main points I wanted to bring to the attention of this House with regard to the minister's estimates. We'll look forward to getting into these matters in greater detail further on in the estimates.

**Mr. I. Deans (Wentworth):** We don't have a quorum.

**Mr. Chairman:** I would ask the Clerk to check the number of members.

**Mr. Deans:** It's bad enough having to sit here without having to sit alone.

The Chairman ordered the bells to be rung for four minutes.

**Clerk of the House:** There is a quorum present, Mr. Chairman.

**Mr. Chairman:** Order, please. The hon. member for Wentworth.

**Mr. Deans:** Thank you very much, Mr. Chairman. I don't really care too much whether anyone listens, as long as they stay; it doesn't worry me.

**Mr. J. M. Turner (Peterborough):** You don't like an empty House.

**Mr. Deans:** You are right. I don't really like to hear my voice echoing around the empty chamber.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** How about when somebody else is speaking?

**Mr. Deans:** I don't like to hear anyone else's voice echoing around an empty chamber either.

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Can I go to lunch now, please?

**Mr. Chairman:** Order, please. The member for Wentworth has the floor.

**Mr. L. C. Henderson (Lambton):** May I?

**Mr. Deans:** Since the minister said "please," he can go for lunch.

**Hon. Mr. Rhodes:** Thanks very much.

**Mr. Deans:** He might as well go.

**Mr. Chairman:** Will the member for Wentworth come back to business?

**Mr. Deans:** Thank you, Mr. Chairman. I want to speak for two or three minutes, I suppose, about regional government as the sort of main thrust of what we want to say about the estimates. Before starting, though, I do want to make some passing reference to three other matters.

The member for York Centre raised the matter of economic disparity. He didn't go into very much detail, but he did indicate his concern with regard to it. I think the concern that he feels is a concern probably expressed by a great many people in the Legislature. In fact, I think it is probably a concern that's felt by a great many people not in the Legislature.

While we here talk from time to time about economic disparity in the Province of Ontario, the lack of economic opportunity and the inability of certain sectors of the province to be self-sustaining economically and to provide jobs and opportunities for the advancement for the people who reside there, for some reason or other nothing ever happens. We talk about it here every year—sometimes more than once.

Many of us speak about it as we go about the province. We generally find that these matters are raised in eastern Ontario and northern Ontario as opposed to Metropolitan Toronto.

**Mr. Deacon:** More of the same.

**Mr. Deans:** When I travel in the eastern and northern parts of the province it is not uncommon to have the citizens of those areas come to me and complain, not so much about what is happening to them at that precise moment but about the neglect of the



government over the years in terms of trying to bring about some kind of economic stimulus to the areas where they live, where they were brought up and where they hope to raise their children.

I can recall having a discussion in this House with the previous minister, now the Minister without Portfolio from London South (Mr. White), with regard to some of the things that could have been done. One thing in particular could have been done by the province to stimulate one of the two areas that need it the most. I remember two or perhaps three years ago—my colleague the member for Cochrane South (Mr. Ferrier) says it was three years ago—discussing in this House the whole Nanticoke development as it pertains to the Steel Co. of Canada, Texaco and Ontario Hydro. I remember pointing out my concern about developing that area further, rather than exercising what I consider to be government prerogatives and meeting with the companies involved and discussing at length the government's attitude toward the needs for development in other parts of the province.

What I thought would have made sense would have been for the government to have had discussions with those companies, which are without question economic stimulators; they provide great numbers of jobs, bring about untold secondary development and under normal circumstances provide stability for the areas in which they locate. I can remember suggesting that the government ought to sit down with them before their plans go any further, and that the government ought to say to them: "There are two areas in the province where it would be of much more value to the province as a whole for you to locate." And if they are good corporate citizens, concerned as much about the growth of the Province of Ontario as they are about their own growth, if they feel a sense of commitment to the overall economic future of the Province of Ontario, they should have been prepared to listen.

I suggested that these two areas—one would be located somewhere between Sault Ste. Marie and Sudbury and the other would have been down on the St. Lawrence toward the Cornwall area—were the two areas of the province where there was a sufficient evidence of economic stagnation at that time, a sufficient evidence of an inability of the areas to grow economically and provide for the people of the Province of Ontario, and that kind of tough discussion between this province and those major corporations would have made

abundant good sense. Well, I can remember the arguments—

**Mr. Deacon:** The member should have organized the plans for them.

**Mr. Deans:** I can remember the arguments; how the government of Ontario doesn't enter into any attempt to influence big business in its decisions, and, after all, the corporate boardroom has much more knowledge of the economics of the company, and therefore they shouldn't be expected to sacrifice in order to ensure that the Province of Ontario has a better and more equally distributed future.

I can remember one argument about their not being able to locate either in the north shore area or down in the eastern part of the province because they had to bring their coal in by boat, and if they went to the eastern part of the province, the coal from the US would have to go through the Welland Canal. I pointed out that right now the coal going to the Steel Co. of Canada and to Dofasco had to go through the Welland Canal, if in fact it was the case that the coal comes from other than the Lake Ontario area. I then went on to point out that if it was the reverse, if the coal had to be taken from an area east of the Welland Canal, then of course it would have to go through the Welland Canal to get up to the Sault Ste. Marie area, and so therefore that argument didn't hold any water.

Let me tell you something funny that occurred. After three years of discussion about that particular project, after numerous talks across the floor of the House and speeches outside of the House, I went to Peterborough one day. I notice the head of Liberal research isn't here at the moment, Mrs. Rowlands, but she was there. In fact, others were there too. I was sitting on a panel with the Hon. John White and we got talking about economic disparity and the lack of economic opportunity, and I raised this with him on the panel. I said to him: "Don't you think, John, sir, that maybe it would have made good sense to have put a little pressure on those companies; that maybe you made a mistake when you just acquiesced to the decisions of the boardroom, when you failed to exercise your responsibilities to the people of the Province of Ontario." I may not have put it exactly that way, but that was the intent.

Do you know he said that if they had to do it again they wouldn't do it? He said to me that if that kind of project was put forward again for that location, given everything they now know, they would have tried to put it elsewhere—that it isn't the best location in terms of the economy of the Province of Ontario.



That's exactly what we tried to tell you all the way through the debate about the location. Not only are you depriving other parts of the province of the opportunities for economic development by not taking initiatives with regard to the locations of major industry, but you're doing another thing—you're overburdening the already densely populated, highly developed areas. The area from Oshawa to St. Catharines, Niagara Falls, Welland—whatever you want to call it—is already very highly developed. It is already very densely populated.

The costs of providing services to those areas are becoming extremely high. If we continue to encourage major economic expansion in those areas then, of course, we are faced with the very things that the Minister of Housing (Mr. Irvine) is constantly complaining about—high land costs, high servicing costs, high transportation costs. Those are the problems.

So, if you're going to remould the Province of Ontario with any kind of economic development in mind, then you're going to have to take hold of it where it really begins. I suggest to you that people move toward industry—particularly primary industry—people move toward primary industry as much as primary industry moves toward people. In the case of secondary industry, of course, it's a little different. For instance, in the case of retailing and wholesaling it may be much more economical to locate in the more densely populated market areas; in fact, economical to the point of being uneconomical to do otherwise.

But in the case of primary industry, people will move to those locations where industry is located, provided they're reasonable. Nobody can tell me that the areas we were suggesting were unreasonable. Therefore, if the government had taken the kind of initiative back in 1969 and 1970 and 1971, they would have served the public. If they had only been tough. If they had had some plan of attack.

They could have sat Stelco and Dofasco and Texaco and Ontario Hydro down and said: "Look, you can do great things for the Province of Ontario. You have an opportunity to play a major role in new development in this province. You can help us rewrite the economic growth patterns. And we're asking you, we're even telling you, that these are the places we want you to be. Now, sit down with us and let's work out the details of how it can be done."

But it's too damn late for the former Treasurer, the member for London South,

to then sit on a panel some years later and say publicly, as he did in Peterborough, that maybe they made a mistake.

I suggest to you that if you're going to have any impact of any kind in this province, if you believe the government is to play a definite role, if you think government is more than just a caretaker and a handler of money—where they take it in at one end and they dish it out at the other to try to create some kind of equality—if you think the government can be a planning agency, if you think the government has a responsibility to act as does a board of directors in corporate terms to ensure what is in the best interests of the entire province, then you've got to be tough about the way you approach these kinds of things.

There are periods in the history of companies, when they take those kinds of major expansion plans and put them into action. In the case of the companies that I was speaking about I suggest he may have missed the boat. It may well be that by not acting when he should it will be some considerable period of time before the opportunity again arises.

I want to tell him, contrary to what my colleagues in Saskatchewan thought 30 years ago, a shoe factory isn't going to work. That is not going to create the kind of economic stimulation and job opportunity and stability that is necessary. It has to be something fundamental; it has to be something basic; it has to be something from which flow secondary and tertiary development and secondary and tertiary industry. That's why it is entirely possible that for one generation of young people the inability of this government to grasp the significance of what was happening and to act on it may well have cost them the opportunity to have a reasonable lifestyle in a location in the province other than the densely populated parts here in the "golden horseshoe."

For heaven's sake, pay attention to what these major corporate bodies are now doing. Sit down with them, make the conditions tough enough, encourage them all you will, but make it clear that the interest of the Province of Ontario, followed by the interest of the country as a whole, is the primary concern of this government, and that if it costs a small percentage point on the profit margin to be located in a spot other than what they might consider to be optimum for rate of return purposes, then so be it. Surely it is better to do those things and make those kinds of decisions now than at some other point to have to take the income

from them and from all of the other people in the Province of Ontario and try to find a way to distribute it.

I suggest to the minister that that is something that we, if we were the government, would have moved to do and which we will move to do, if we are given the opportunity. It is difficult and it brings a lot of headaches, but it is worthwhile and it is the only way to act.

I want also to make comment about something that struck me the other day. I was in the United States two weekends ago at a wedding in the area of Newark, New Jersey. It is not the most pleasant place in the world frankly, but I had to be there because that is where the wedding was. As I drove down and back from the US it hit me very hard when I suddenly realized the impact of the gasoline prices in the Province of Ontario on tourism. I made the calculation as I drove back. On the way down, I didn't notice because I had already filled my gas tank. Then I crossed the border and I realized the saving that was afforded to me. Even though the gallon was smaller, I realized the saving that I had from driving in the US at 55 mph with cheaper gasoline. On the way back, let me tell you, Mr. Chairman, I filled my gas tank in Buffalo.

I thought to myself as I sat at the border of all of the American citizens who come here for vacations. I wondered just how many of them will be psychologically affected in terms of whether they will come or not. It is not the dramatic numbers of dollars; it is the psychological effect. How many of them, knowing the high cost of gasoline in the Province of Ontario, will decide to stay in Maine or in New York state or in Ohio or in Pennsylvania? I think a significant number will. I think they will decide to see their own country instead of coming here. They would like to come, but the psychology of the whole thing tells me that when they think of those extra dollars on the overall trip, they don't add it up and decide whether it is significant or otherwise, they just say it costs too much and they don't come.

I think the federal government made a terrible mistake. I think the provincial government began to play a hand in it some two years ago when it first went to the negotiating table. While I'm prepared to concede that the effects of these increases are much more dramatic on the residents of the province, both in terms of heating and in terms of transportation—we should address ourselves first to that—and we should assure our own citizens of the cheapest possible

gasoline and heating prices—I want to tell you the impact of what happened in Ottawa will be felt by many sectors of the economy. I suspect they'll be felt fairly dramatically by the tourism sector of this economy in the Province of Ontario.

I want to tell you that I think—and you may argue with me—we did have the power to set the retail gas price in the province. I understand the federal government has the authority and power to impose an excise tax. I understand when they did it there was nothing the Province of Ontario could do to stop the excise tax being imposed but the Province of Ontario has the jurisdiction, the full jurisdiction, to determine the retail price at which that product would be sold.

I think you took the easy way by dealing with the later increase and by establishing the prices the way you did. I think you should have made the confrontation then. You should have said the retail price will not rise beyond the price in effect on the day of the budget; that the excise tax has to be absorbed by the corporations. Then, the corporations not only would have been banging on your door, they would have been in Ottawa banging on their door, too. They would have been in Ottawa screaming at them, "If you take that tax from us, we have to absorb it in the retail price of the gasoline in the Province of Ontario. For heaven's sake, think it through again."

I think, psychologically and from the strategic point of view, that would have made a great deal more sense than what you did. The confrontation now is between the government of Ontario and the federal government, certainly. It is also between the major oil companies and the government of Ontario when it could have been between the major oil companies and the government of Canada, where it rightfully belongs. I think, from the point of view of strategy alone, the decision you arrived at was the wrong decision.

I would suggest to you it may not, even yet, be too late to change it. I think we have an obligation in the Province of Ontario to protect the consumer. Since the Ministry of Treasury and Economics plays the largest part in consumer protection—notwithstanding the Minister of Consumer and Commercial Relations (Mr. Handleman)—since the decisions on taxing policy and the decisions on budgetary policy rest with the Minister of Treasury and Economics, obviously, it's in this ministry that those kinds of decisions had to be made.



Consumer protection goes far beyond simply saying that the product advertised will live up to the standards which have been established. Consumer protection stretches all the way to ensuring that no one will gouge the public in this province. For years we've been asking, every single day of the week for weeks on end; less than a year ago we asked in a series of questions, on a variety of topics, who protects the consumer in the Province of Ontario? All the way from rental costs through to the price of meat on to taxation policies, who protects the consumer?

I want to tell you that the mini-budget, welcome though it was by many people, was not really adequate protection for the consuming public in the Province of Ontario. I want to suggest to you that what you did was only a tiny step and my worry about it is that every single measure which has been brought in by this government in 1975 is destined to end at the end of the year or before.

**Mr. M. Gaunt (Huron-Bruce):** It will be a tough year next year.

**Mr. Deans:** The retail sales tax decrease ends at the end of 1975.

**Mr. Gaunt:** And the home buyer grant.

**Mr. Deans:** The home buyer grant ends at the end of 1975.

**Mr. Deacon:** It will all be over in 1975.

**Mr. Deans:** The recent elimination of sales tax on new automobiles ends at the end of 1975. You are going to have to show me somewhere, somehow, in the projections of your ministry, where you expect those additional dollars to come from, given the increase in the consumer price index announced yesterday. You are going to have to show it to me.

I read with interest your prepared statement on the consumer price index. The question I asked today related to a part of the statement—and I appreciated receiving it—with regard to the 10-cent excise tax. I noticed that will mean an increase of one-half of one per cent in the consumer price index this month when it is finally prepared.

When you take that and add to it what without question will be an increase in the cost of oil and petroleum products; what in most municipalities have been substantial increases in taxation; the reimposition of the sales tax in the Province of Ontario on purchases of normal commodities; the elimination of the \$1,500 home buyer grant;

and the reimposition of the sales tax on new cars in the Province of Ontario—I have to ask, where do the dollars come from that are going to pay for all of this?

Who in the province is going to be able to afford it on Jan. 1, 1976?

Are you simply delaying the inevitable? Are you being honest with the public of the province? Are you prepared to tell them what it is going to mean in dollars when these taxes are reintroduced or reimposed and when the benefits and grants that have been bestowed temporarily are finally removed? I think that is really where it is at this point. It's a little bit like the five-year diminishing grant that is available to regional municipalities. It's all good and well to say we are going to absorb a lot of the costs with this grant, but who tells the consuming public who pay the taxes what it costs them when the grant no longer is available?

**Mr. Chairman,** I wonder if this would be a suitable time for me to conclude these introductory remarks and I could proceed further at another time.

**Hon. Mr. McKeough** moves the committee rise and report.

Motion agreed to.

The House resumed, **Mr. Speaker** in the chair.

**Mr. Chairman:** **Mr. Speaker,** the committee of supply reports progress and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** **Mr. Speaker,** before I call the business for Monday and before I move the adjournment of the House, I would like to table the answers to questions 28 and 29 on the order paper. (See appendix, page 3947).

**Mr. D. M. Deacon (York Centre):** What about my question?

**Hon. Mr. Winkler:** Maybe it is there; I don't know. What is the number. No. 11? Okay, I'll get it for the member.

**Mr. Speaker,** on Monday I am informed that Bills 14, 15 and 16 will be printed on the order paper and we will call them as the first order of business on Monday.

**Mr. I. Deans (Wentworth):** Just out of curiosity, if I may ask a question before the adjournment motion, will we return to these estimates? Can we be reasonably sure of



sufficient time to conclude at least the opening comments?

**Hon. Mr. Winkler:** On Monday?

**Mr. Deans:** At some point.

**Hon. Mr. Winkler:** I would think that if necessity warranted, yes, we would. However, I would remind the hon. member that there are two other and very minor bills to be dealt with that have now been introduced and that I would hope to call too. Unless the standing committee that is currently sitting or the

other one that will sit on Monday do not report, then we might well return to these. As a matter of fact, if that were to occur on Monday I would call these estimates at the conclusion of that business on Monday.

**Mr. Deans:** Thank you very much.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1 o'clock, p.m.

## APPENDIX

(See page 3945)

Answers to questions were tabled as follows:

28. Mr. Cassidy—Inquiry of the ministry:

Who are the members of the Landlord-Tenant Law Reform Committee? When was the committee set up and what ministries are represented in it? How many times has the committee met since it was established; when was the last meeting; what was the length of the meetings that were held; and what recommendations, if any, have been made to the Ministry of Housing or to the Attorney General?

Answer by the Attorney General:

An investigation was carried out within the Ministry of the Attorney General but no record of any such committee known as a Landlord-Tenant Law Reform Committee was found. Since this committee does not exist, then all the succeeding questions contained in this overall enquiry are answered.

There may be some confusion in Mr. Cassidy's mind in relation to the Law Reform Commission. This commission is made up of a static membership and did in 1969 provide a law report on the question of landlord and tenant relations. Most of its report has been implemented by legislation in 1971 and 1972.

We have visited the Law Reform Commission to inquire if they are doing anything in the landlord and tenant area at this time, and have been advised that they are carrying on an ongoing research into some of the more esoteric relationships between landlord and tenants. In light of this ongoing research, it may be that in answer to some question at some time, probably during estimates, the Attorney General has stated that he might ask the Law Reform Commission to look into a specific problem that was raised.

Delegations of tenants' associations have from time to time been met by members of the Ministry of the Attorney General together with representatives of the Ministry of Housing. These persons who have met with these delegations are not members of any designated committee.

29. Mr. Cassidy—Inquiry of the ministry:

When does the Ministry of Consumer and Commercial Relations intend to implement the recommendations made in 1972 by the Pension Commission in Ontario that the age at which an employee's benefits become vested should be reduced to 40 and that vesting should occur after five years service instead of after 10? What is the status of discussions with other provinces that were said to be intended to create uniformity among the provincial governments in changing the vesting provisions? If no agreement has been reached or there have been excessive delays, will the Ontario government act unilaterally since more than one-half of the workers covered by the pension plans in Canada are citizens of this province?

Answer by the Minister of Consumer and Commercial Relations:

It must be understood that the Pension Commission did not recommend that vesting of benefits should take place upon attainment of age 40 after five years of service. The commission did, in September, 1972, issue a green paper in which it requested comments respecting a suggested change to the vesting rules from age 45 with 10 years of service to age 40 with five years of service. The paper was distributed to employers, employee groups, as well as others involved in the pension field.

As well, discussions were held with representatives from other jurisdictions having substantially similar legislation concerning possible changes to the vesting rules. It was determined that no recommendation would be made to any jurisdiction in Canada for a change in vesting rules.

However, since the formation of the Canadian Association of Pension Supervisory Authorities (CAPSA), in May of 1974, this matter is again under consideration and the committee of CAPSA charged with this study expects to be in a position to make its recommendations before the end of the year.

## CONTENTS

Friday, July 11, 1975

Assessment Act change, statement by Mr. Meen .....	3921
York-Durham sewer line, question of Mr. W. Newman: Mr. Deacon .....	3922
North Pickering community, question of Mr. McKeough: Mr. Deacon .....	3923
Mississauga transport services, question of Mr. Rhodes: Mr. Deacon .....	3923
Third world grants, questions of Mr. Grossman and Mr. Winkler: Mr. Deacon .....	3923
Pickering airport, questions of Mr. Rhodes: Mr. Deans, Mr. Deacon .....	3924
Union Carbide emission levels in Welland, question of Mr. W. Newman: Mr. Deans ..	3925
Consumer price index, question of Mr. McKeough: Mr. Deans .....	3926
Crime conference in Toronto, question of Mr. Grossman: Mr. Singer .....	3926
Non-returnable containers, questions of Mr. W. Newman: Mr. Foulds, Mr. Gaunt .....	3926
Flags shown on government publication, question of Mr. Snow: Mr. Roy .....	3927
Loan sharking, question of Mr. Clement: Mr. Shulman .....	3928
Processing plant strike, question of Mr. Grossman: Mr. Ruston .....	3929
Vandalism at provincial parks, questions of Mr. Bernier: Mr. Burr, Mr. Foulds .....	3929
Housing inspection for migrant workers, question of Mr. Grossman: Mr. Spence .....	3929
Sunday trucking, question of Mr. Rhodes: Mr. Germa .....	3930
Driver training, question of Mr. Rhodes: Mr. Good .....	3930
Timmins government building, question of Mr. Snow: Mr. Ferrier .....	3930
Ontario lottery, question of Mr. Welch: Mr. Deacon .....	3931
Financing of political parties, question of Mr. Meen: Mr. MacDonald .....	3932
Cultural policy, question of Mr. Welch: Mr. Roy .....	3932
Financing of political parties, question of Mr. Meen: Mr. MacDonald .....	3933
Report, standing resources development committee, Mr. McNeil .....	3933
Ontario Heritage Amendment Act, Mr. Welch, first reading .....	3933
Insurance Amendment Act, Mr. Handleman, first reading .....	3933
Motion to set aside business of House re Ottawa-Carleton Detention Centre, Mr. Roy, Mr. Deans, Mr. Potter .....	3934
Estimates, Ministry of Treasury, Economics and Intergovernmental Affairs, Mr. McKeough .....	3937
Tabling answers to questions on the order paper, Mr. Winkler .....	3945
Motion to adjourn, Mr. Winkler, agreed to .....	3946





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, July 14, 1975  
Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 14, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

## PROPERTY TAXES IN WEST CARLETON

**Hon. A. K. Meen** (Minister of Revenue): Mr. Speaker, I would like to respond to some of the points made in an article which appeared in the *Ottawa Citizen* on July 7 last, entitled, "West Carleton Fed Up; War Waged on 'Stupid' Tax System."

**Mr. R. F. Nixon** (Leader of the Opposition): That was a bad article.

**Hon. Mr. Meen:** The article stated that a group of local taxpayers are experiencing property tax inequities at present.

**Mr. M. Shulman** (High Park): And how!

**Hon. Mr. Meen:** I would like to review the background of this matter briefly, Mr. Speaker.

On Jan. 1, 1974, the Province of Ontario amalgamated the townships of Huntley, Torbolton and Fitzroy to form the corporation of the township of West Carleton. The former municipalities of Huntley, Fitzroy, and Torbolton were autonomous and employed their own assessors who themselves employed a variety of assessment techniques in use at the time.

On Jan. 1, 1967, the county of Carleton adopted the county assessment commissioner system of assessment. The county intended to reassess all the municipalities within its boundaries using one method. This reassessment programme was not completed prior to the formation of the regional municipality of Ottawa-Carleton on Jan. 1, 1969. On that date, the regional municipality became responsible for completing the assessment of the 17 municipalities within its boundaries. This work was not completed by Jan. 1, 1970, at which time the responsibility for assessment was transferred to the province.

The newly formed assessment division adopted the assessments as they stood in each of the 17 municipalities within the regional municipality of Ottawa-Carleton and em-

ployed its resources toward completing a re-assessment of the entire region at market value by 1976.

Bill 231 entitled An Act to amend the Regional Municipality of Ottawa-Carleton Act, which received royal assent on Dec. 4, 1973, contained among its provisions a remedy to overcome the fact that different levels of assessment would exist between the wards within the newly formed municipalities, particularly those three municipalities forming the new municipality of West Carleton. This was necessary because each ward comprises the entire area of an old municipality and, as stated, each of the old municipalities used a different method of assessment.

The provision of Bill 231 is intended to equalize taxation by instructing my ministry to revise, equalize and weight the last revised assessment roll of each of the merged municipalities. Officials of my ministry are presently reviewing the assessment roll for West Carleton in order to equalize 1975 taxes.

I hope to have the work completed by July 18 next. My staff have scheduled a meeting with the municipal officials in West Carleton for July 21 in order to help them arrive at mill rates for each ward that will overcome the present inequities in assessments between the wards.

The township of West Carleton has already sent out interim tax bills in accordance with the provisions of the Municipal Act. However, the mill rates will be adjusted before the final tax bills are issued. This means the taxpayers in the most highly-assessed ward will have prepaid a larger percentage of their final tax bill than those in the lowest-assessed ward.

There is one other matter, Mr. Speaker, which I feel I must clear up. The *Ottawa Citizen* stated, and I quote: "Nor do they"—they mean the people of Torbolton—"understand why some properties have never been assessed at all, including one belonging to an Ontario tax assessor." The facts are that the assessor's house was under construction and that construction was not completed by Dec. 17, 1974, when the assessment roll was closed.



This, indeed, was the case with a large number of other buildings and structures. The land was assessed. This means that the house could only be taxed as of the date of occupancy in 1975 under the provisions of section 43 of the Assessment Act. Assessments made under section 43 must be added to the collector's roll in the municipality and not to the assessment roll.

As I understand it, the municipality does not have a collector's roll as yet, even though assessors have assessed the houses. Taxes will commence as of Jan. 1, 1975, when the municipality has completed the collector's roll and has struck the applicable mill rate. In June of this year, the assessor who owns the house referred to in the article received his assessment notice, but the record of the assessment will only appear when the municipality has finalized its collector's roll. Therefore, I feel the allegation implied against the assessor is utterly unfounded and completely unjustified.

#### ENERGY PRICES

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, in my statement to the House on July 4 last, announcing the terms of reference for the royal commission respecting the pricing of petroleum products, I referred to the willingness of a prominent Canadian to accept the appointment, but was unable to divulge his name at that time.

Today, I am pleased to confirm the appointment of Mr. Claude Malcolm Isbister. I am sure the hon. members, having heard his qualifications, will agree that this outstanding Canadian public servant has the independence and the expertise to fulfil this appointment.

Mr. Isbister is returning to Canada from his present post as executive director of the World Bank group in Washington, DC, a post he has held for the past five years and to which he was elected by a group of countries including Canada. To avoid any appearance of conflict of interest, his appointment and remuneration as royal commissioner are planned to take effect on Aug. 1, 1975, the date contemplated for his resignation from the World Bank.

In the meantime, he has already visited Toronto to consult with officials about arrangements and to make plans for the establishment and staffing of the royal commission, which will report to the Premier (Mr. Davis).

Prior to 1970, Mr. Isbister was employed in Ottawa in the public service of Canada as deputy minister successively of the Depart-

ment of Citizenship and Immigration and the Department of Energy, Mines and Resources, as chairman of the Dominion Coal Board and, before that, as assistant deputy minister of the Department of Trade and Commerce and the Department of Finance.

Mr. Isbister was born in Winnipeg in 1914. He attended the University of Manitoba and the University of Toronto and obtained a PhD in economics.

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

#### ENERGY PRICES

**Mr. R. F. Nixon:** I would like to ask the Minister of Energy whether Mr. Isbister is going to be as expensive as Judy LaMarsh? What are we paying Mr. Isbister beginning Aug. 1?

**Hon. Mr. Timbrell:** The details of the remuneration for Mr. Isbister have yet to be finalized, Mr. Speaker. I will report on them to the member when they are completed.

**Mr. E. Sargent (Grey-Bruce):** Maybe he won't take it.

**Mr. Shulman:** A supplementary: Inasmuch as the Premier expressed some worry about the commissioner getting the work done in 90 days, and inasmuch as we are blowing 30 days, since he is not starting until Aug. 1, how does the minister expect him to be finished within the time period?

**Hon. Mr. Timbrell:** I don't accept the latter part of the member's premise; a lot of the organizational work is under way now and will be completed by the time Mr. Isbister is free to devote his full-time attention to this. In the meantime, before Aug. 1, he will be here one or two days a week to oversee the establishment of the organization for his commission. So, I don't accept that that is the case. I suppose it is not beyond the realm of possibility that if he does find that 90 days is too much of a stricture on him, he may submit an interim report, although we would still hope that it all can be done within the 90 days.

**Mr. Sargent:** Sure he will.

#### HYDRO RATE INCREASE

**Mr. R. F. Nixon:** I have a further question of the Minister of Energy. Can he indicate whether Ontario Hydro, in reducing its application to the Energy Board for rate increases

for electrical energy, is going to be governed only by the two requirements put forward by the Treasurer (Mr. McKeough)—that is, removal of \$1 billion from its capital requirements and a reduction of approximately 10 per cent in its administrative costs—or are there going to be other factors affecting the costs of hydro which will have to enter into a revised rate request? Can the minister give us some indication as to whether we are looking at a reduction of just two or three per cent or perhaps a significant reduction, perhaps as much as 15 per cent, in the original application?

**Hon. Mr. Timbrell:** Mr. Speaker, I don't think anyone, including Hydro, is yet able to give an indication to the latter part of that question.

In response to the government's policy directive, Hydro indicated it was going to examine all its other expenses in addition to capital—not just straight administrative costs. If we look at the broad classification of maintenance, operations and administration, it is going to look at everything to see what can be cut or delayed to save money. In addition, of course, I would point out that in the Treasurer's remarks and the directive from the government, it was told to find at least \$1 billion in capital. The more it can find the better. That will all be taken into consideration.

In addition, there are other things such as the revised load forecast for next year and the revised calculations for secondary revenue. For instance, in the five months up to the end of May this year, Ontario Hydro had only sold, by way of export of off-peak power, 10 per cent of what it had calculated for the whole year. That has caused problems on that account as to what revenues it can expect.

All of these things will be taken into account as it makes its subsequent submission to the Energy Board at the end of this month.

**Mr. R. F. Nixon:** A supplementary: Since the minister and the Treasurer have both indicated they are appalled at the rate request from Hydro, why wouldn't the minister give some serious consideration to instructing Hydro to make do with less grandiose corporate headquarters and use this \$43 million as a revenue producer rather than just as an additional expenditure? Would the minister not seriously consider, under these circumstances, instructing Hydro that if it must expand for more offices, to do so at a lower cost and rent these offices out at a net revenue to the government rather than them being simply a continuing drag on Ontario Hydro's resources?

**Hon. Mr. Timbrell:** No, Mr. Speaker. The hon. member is well aware that it's not a cost to the government, it's a cost of operation of Ontario Hydro.

**Mr. R. F. Nixon:** It would be revenue for Hydro.

**Hon. Mr. Timbrell:** I surely don't have to go back over well-known information as to the cost to Hydro of the building on a yearly basis. I think really, on balance, it would probably mean a loss, if anything.

#### UTILIZATION OF FEDERAL HOUSING FUNDS

**Mr. R. F. Nixon:** I would like to put a question to the Provincial Secretary for Social Development: Does she consult with the Minister of Housing (Mr. Irvine) from time to time on the policy associated with tying the provision of housing into the other areas of social development? In fact, does the Minister of Housing sit in on meetings of her policy group in the social development field?

**Hon. M. Birch** (Provincial Secretary for Social Development): Mr. Speaker, through you to the hon. Leader of the Opposition, the Minister of Housing is not a member of the social policy field but he often does sit in on meetings that are concerned with special items on which we feel it is necessary to have discussion with him.

**Mr. R. F. Nixon:** Supplementary: In the absence of the Minister of Housing, since it is obvious that the policy in that area does have a relationship with the general policy purview for which the provincial secretary is responsible, is she in a position to make any comments at all on the charges made by the advisory committee that advises the Minister of Housing on the utilization of funds as to why these funds remain unutilized in the area of co-operative housing and non-profit housing? Has that come into discussion in the policy area, as I believe it should?

**Hon. Mrs. Birch:** No, Mr. Speaker, that has not been in our policy area.

**Mr. R. F. Nixon:** Perhaps I could direct a question to the Treasurer in this regard. Has he followed the charges made by a majority of the members on the advisory committee responsible to the Minister of Housing on the utilization of certain federal funds, with the indication from this advisory committee being that he has acted in bad faith, that he has deliberately obstructed the non-profit housing

programme and that in fact it appears that up to \$7 million of federal funds will remain unexpended again this year because the policy is not to utilize it?

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Yes, Mr. Speaker, I have followed the charges.

**Mr. R. F. Nixon**: Supplementary: Since the Treasurer has been very concerned about the full utilization of these funds, would it not be in Ontario's interest if the Treasurer himself took the responsibility of seeing that the funds are fully utilized, even though he himself feels they are inadequate?

**Hon. Mr. McKeough**: Mr. Speaker, I am sure the Minister of Housing, when he is here tomorrow, will be able to answer the Leader of the Opposition's question.

**Mr. R. F. Nixon**: Okay, we will talk to him tomorrow.

#### BRADLEY-GEORGETOWN TRANSMISSION CORRIDOR

**Mr. R. F. Nixon**: I would like to ask the other Provincial Secretary, the one responsible for natural resources policy, if he will use his good offices with the Premier to see that those citizens who continue to be concerned about the Hydro corridor between Bradley Junction and Georgetown have an opportunity to express their concern to the Premier; that they can in fact express to him their dissatisfaction with the statements made, I suppose by the Minister of Energy and others; and further that there should be a full public review of this Hydro corridor and that it is something that should not be brushed aside, since it concerns the utilization of farm land and the activities of many citizens in the 90-mile length of this corridor?

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Mr. Speaker, I am sure the Premier is well aware of the concerns of those citizens; and I am sure the hon. Leader of the Opposition is also well aware of the fact that after there have been public hearings, at some stage or other these public hearings must come to some conclusion and a decision has to be made by the government.

**Mr. R. F. Nixon**: There has not been an adequate forum for hearing evidence.

**Hon. Mr. Grossman**: I believe my colleague the Minister of Energy has replied to

this quite adequately. However, if the hon. Leader of the Opposition thinks my drawing this matter to the attention of the Premier will be of any further assistance, and maybe of some satisfaction to the people who are concerned, I would be glad to do that.

**Mr. R. F. Nixon**: I would appreciate that.

**Mr. Speaker**: A supplementary from the member for Huron-Bruce.

**Mr. M. Gaunt** (Huron-Bruce): In view of the fact the citizens requested a complete review, an independent assessment, of the entire line, wouldn't the minister feel it's particularly important that the citizens have an opportunity to meet the Premier in view of the fact they have only been given a partial assessment since only part of the line is being reviewed?

**Hon. Mr. Grossman**: Mr. Speaker, the hon. member is asking me whether, because of certain circumstances, it's indicated that the Premier should see this particular group. I am sure he will also appreciate that it's impossible for the Premier to see every group. He has ministers who are available for this purpose, and they attempt to do their job as fully as possible. In order to carry on the functions of government, it is necessary for him to continue to do this.

Again, I say, I think that everything that needed to be inquired into in respect of this line appears to have been done. I can only reply to the hon. member as I replied to his leader, that if he thinks it would be of any greater satisfaction to himself and to those people involved for me to draw it again to the attention of the Premier, I would be glad to do so.

**Mr. Speaker**: Just before we proceed with the question period, I would like to introduce two distinguished gentlemen who have now arrived in my gallery. I know all hon. members will wish to welcome His Excellency, Maximilian Graf Von Podwell-Durnitz, the ambassador of the Federal Republic of Germany to Canada. His Excellency is here on his first official visit to Toronto, and is accompanied by Mr. Winn Engemann, the deputy consul general of the federal republic in Toronto.

The member for Wentworth.

#### MORTGAGE MONEY

**Mr. I. Deans** (Wentworth): Mr. Speaker, I have a question of the Treasurer. The Treasurer will recall when he read his supplementary budget that he indicated discussions were



taking place between government and banks and were soon to take place between the government and trust companies and insurance companies regarding mortgage money. Can he tell us how those discussions are going?

**Hon. Mr. McKeough:** To date, in a very satisfactory manner, I think, Mr. Speaker.

**Mr. Deans:** Can the Treasurer indicate which trust companies and which banks and which mortgage companies have so far had the pleasure of the meetings?

**Hon. Mr. McKeough:** Mr. Speaker, the Minister of Housing, the Premier and myself have met with the chartered banks, and expect shortly to meet with the trust companies and the insurance companies.

**Mr. J. A. Renwick (Riverdale):** Oh, it must be urgent.

**Mr. Deans:** Can I ask then, whether there is some sense of urgency? Given that the Minister of Housing has been screaming at the top of his lungs about a lack of mortgage financing at adequate interest rates, is there some sense of urgency about these meetings? My understanding was that the meeting with the banks was taking place on the day of the budget or the day immediately after, and the others haven't yet taken place.

**Hon. Mr. McKeough:** Mr. Speaker, there is a sense of urgency, yes.

**Mr. Deans:** When can we reasonably expect that the meetings will have been concluded and that some report will be made to the Legislature—or, better than that, some mortgage money at decent interest rates will be available for people in order that they can get homes?

**Hon. Mr. McKeough:** In the fullness of time, Mr. Speaker.

**Mr. Speaker:** The member for Riverdale.

**Mr. Renwick:** By way of a supplementary question: Could I ask the Treasurer if they're going as well as his colleague indicated when he said that they were very successful, that the banks had not given a blanket refusal?

**An hon. member:** Or a blank cheque.

**Mr. Speaker:** The member for Ottawa Centre.

**Mr. M. Cassidy (Ottawa Centre):** Supplementary, Mr. Speaker: Has the Treasurer a goal for the amount of additional mortgage funds that he or the government wishes to cajole the lending industry into providing?

If so, how is progress toward reaching that goal?

**Hon. Mr. McKeough:** Mr. Speaker, the amount needed for the private sector was spelled out in the supplementary actions tabled here a week ago—\$360 million in the one programme and \$100 million in the other programme, which I believe totals \$460 million.

**Mr. Renwick:** Oh, they really are anxious to get it.

**Mr. Speaker:** Has the member for Wentworth further questions?

### YORK UNIVERSITY CATERERS

**Mr. Deans:** Thank you, Mr. Speaker. A question of the Minister of Labour: Is the Minister of Labour aware of the situation which has developed at York University regarding the caterers for the university, the recent agreement that was signed with a new catering firm, and the fact that perhaps a maximum of six of the old employee has been taken on by the new catering firm? Doesn't the minister feel that, since those employees offered to work and to negotiate at whatever level of wages was suitable, they should have some form of successive rights?

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Speaker, I'm not aware of the situation, but I will get some information and report back to the House.

**Mr. Deans:** Supplementary question: Would the minister agree that the practice of calling tenders and then throwing people out of work is wrong, and that people who are doing a decent job in the Province of Ontario deserve some protection from the law?

**Hon. Mr. MacBeth:** Mr. Speaker, generally speaking, yes. I don't like the practice and we hope that when the contracts are turned over in that way the new people will take on the former employees.

**Mr. Shulman:** The government did the same thing here right in this building.

**Hon. Mr. MacBeth:** As I said, I don't know the facts of this case, so I'm not prepared to comment specifically on it.

**Mr. Speaker:** A supplementary from the member for High Park.

**Mr. Shulman:** Inasmuch as the minister thinks that practice is wrong, why does he condone it right here in this building?

**Hon. Mr. MacBeth:** I said generally speaking I think it is wrong.

### SYNCRUDE AGREEMENTS

**Mr. Deans:** A question of the Minister of Energy: Could the minister indicate whether the Syncrude agreements have now been signed?

**Hon. Mr. Timbrell:** Yes, Mr. Speaker.

**Mr. Deans:** Is the minister prepared to table these agreements in the Legislature?

**Hon. Mr. Timbrell:** Yes, I will consider that.

**Mr. Deans:** He will consider it? Would the minister like to tell us when he will consider it?

**Hon. Mr. Timbrell:** I will take it up with my colleagues in the government and let the House know.

**Mr. Speaker:** The Provincial Secretary for Resources Development has the answer to a question asked previously.

### HOUSING INSPECTION FOR MIGRANT WORKERS

**Hon. Mr. Grossman:** Mr. Speaker, on July 11, the hon. member for Kent (Mr. Spence) asked the following question:

Is the minister aware in the county of Kent there are a great many farm workers, whose housing has to be inspected before it can be inhabited? Last year this inspection was carried on under the Minister of Health. This year it is not available. This year applications for inspections are a lot more than they were last year.

This is a concern of the migrant worker. They will not be able to move into this housing if it is not inspected. What is the minister going to do?

**Mr. Speaker:** I am advised that the Ministry of Agriculture and Food has checked with the community health protection branch, Ontario Ministry of Health, responsible for the inspection of seasonal housing units where workers are placed by Canada Manpower or the Canada Farm Labour pools on farms.

They advise that Canada Manpower contacted them about a backlog in Kent county approximately two weeks ago. A public health inspector was immediately placed in that area and I am advised also that as of this morning the backlog which had existed has been clear-

ed up. They are not aware of any further demand for inspection.

I also understand there was a backlog in Essex county where 50 requests for inspections are required and the local health unit in Essex county is unable to cope. The same man will be sent into this area to assist in clearing this backlog. We are assured that the assistance is being provided to the local health units where and when required. They already had extra staff working in Middlesex county, Haldimand-Norfolk and in Elgin county.

I have another reply. May I give it while I am on my feet, sir?

**Mr. Speaker:** Yes.

### EGG BOARD RESIGNATIONS

**Hon. Mr. Grossman:** The hon. member for Huron-Bruce asked a question on July 10:

Can the minister clarify whether or not under provincial farm marketing legislation the use of funds raised through levies for payment of penalties would be legal, which was really the point at issue which led to the resignation of the egg board members some weeks ago?

I am advised, sir, that during the discussions convened by the federal Minister of Agriculture with the provinces the question raised by the hon. member was brought up. Subsequently, a meeting was held between legal advisers of the provinces, local egg marketing boards and the federal officials to clarify the matter.

The levy in question for the payment of penalties would be administered under the Agricultural Products Marketing Act, which is a federal statute. The federal authorities are satisfied that the payment of penalties under this statute is legal. Thank you, Mr. Speaker.

**Mr. Speaker:** The member for Downsview.

### POLICE TREATMENT OF YOUNG MAN

**Mr. V. M. Singer (Downsview):** Yes, Mr. Speaker, I have a question of the Solicitor General. Is the minister aware of the circumstances surrounding the charging of one Harry Sutton, an 18-year-old man, by the Peel regional police in connection with a so-called confession he gave to the police under questioning, during the course of which, if the newspaper story is correct, he was denied the opportunity to phone his

father and the so-called confession later proved to be a fabrication? If he is not, which I would guess he might not be, would he undertake a full and complete inquiry into the actions of the Peel regional police in connection with this matter and the reason why this young man was apparently substantially harassed into this difficult and embarrassing position?

**Hon. G. A. Kerr** (Solicitor General): Mr. Speaker, I don't know all the circumstances of this particular case. As a result of this morning's article I do have some preliminary facts surrounding the charges which were laid. The information I have is that the police acted in a very proper manner. The young man was warned, as the police are required to do, before a statement was taken from him. I am trying to find out whether, in fact, he was denied the right to make a phone call as is alleged in the newspaper article.

The matter went to trial and the question of the admissibility of the statement was part of voir dire. I understand it was eventually admitted at the trial but, as the hon. member knows, the jury does not usually give reasons why a person is acquitted of an offence. However, the information I have now is that the young man was picked up and questioned and charges were laid in a proper manner. I will get further information as requested.

**Mr. Singer:** By way of a supplementary, and again my only source of a reference is this newspaper article, it would appear that even though the young man confessed to arson, the charge against him related to public mischief and not to arson, so one would wonder about whether the Solicitor General has not wondered about the usefulness of the questioning and the extraction of a statement even though in fact a warning might have been given? Would the Solicitor General not agree that all of the circumstances surrounding this should be fully investigated, reported upon and the information brought to the attention of the House?

**Mr. Speaker:** The member for High Park.

#### RIOT AT MILLBROOK

**Mr. Shulman:** I have a question of the Minister of Correctional Services, Mr. Speaker. Can the minister explain the outcome of the riot at Millbrook last March? Specifically, why were the OPP called in to lay charges against the prisoners, how many prisoners were charged, what was the outcome of the court cases, if any, and how many prisoners are still in solitary?

**Hon. R. T. Potter** (Minister of Correctional Services): I'll have to get that information for the hon. member.

**Mr. Speaker:** The member for Carleton East.

#### ONTARIO HYDRO BUILDING

**Mr. P. Taylor** (Carleton East): Thank you, Mr. Speaker. Could the Minister of Energy advise me if I heard him correctly earlier when he said, in response to the Leader of the Opposition, that he felt it was not certain that a profit could be returned by renting the Hydro headquarters building to private enterprise?

**Hon. Mr. Timbrell:** That's right.

**Mr. P. Taylor:** Is the minister saying that the new Hydro headquarters building has been constructed on a scale and in a style that is beyond the ability of prevailing Toronto commercial office rental rates at least to break even or even to return a profit? Is that what he is saying?

**Hon. Mr. Timbrell:** No, Mr. Speaker.

**Mr. P. Taylor:** Then why is it not possible that an office building in downtown Toronto can do that?

**Hon. Mr. Timbrell:** Mr. Speaker, what I was indicating was that, given the rental market and the vacancy rates in Metropolitan Toronto today and given a number of other factors such as Hydro's costs in other locations for space to house staff who will be moved into the building—with all these things together, I doubt that the proposition put forward by the member's leader is a reasonable one.

**Mr. Speaker:** Are there any further questions? The member for Ottawa Centre.

#### EVICITION OF MOBILE-HOME OWNERS

**Mr. Cassidy:** Thank you, Mr. Speaker. I have a question of the Treasurer. I would like to preface it by saying that I have another vignette of what it's like for ordinary people to live in Tory Ontario that I want to raise with this minister.

Is the minister aware of the situation of 20 mobile-home owners at Martin's Trailer Park at Wasaga Beach who have received notice that they must leave their sites at the end of the month and have no place else to go, and who face losses of up to \$10,000 on trailers



they cannot move with them but which the new owner is refusing to accept even as trade-ins? What intention does the government have to rescue these tenants from a situation in which they've been put by the lack of effective legislation?

**Hon. Mr. McKeough:** Mr. Speaker, I'm not aware of the situation but I'll be happy to look into it and report back to the House.

**Mr. Cassidy:** A supplementary: Since the new owner, Mr. Ralph Murray, intends to bulldoze the sites and redraw the lines separating the lots on which the mobile homes stand, would the minister specifically look into the matter to see whether subdivision control ought not to apply to the redrafting of the lot lines within the trailer park and, therefore, look into whether the government can't threaten the new owner that it will withhold subdivision control unless there is adequate treatment for the existing tenants?

**Hon. Mr. McKeough:** Mr. Speaker, I'll be glad to look at that, but I want to make it very clear that it is not part of the philosophy of this government to go around threatening anyone.

**Mr. Speaker:** One final supplementary.

**Mr. Cassidy:** Since the people being threatened are 20 low-income families with about 30 kids among them, including some people who are disabled and some who are pensioners, does the minister not think it is the responsibility of this government to try to protect their rights rather than make fatuous comments about not making threats?

**Hon. Mr. McKeough:** Mr. Speaker, I'll be very happy to look into the situation, bearing in mind the government's responsibility, but the government does not take unto itself the responsibility or the power of threatening anyone in this province nor does it propose to, even if it makes the member happy.

**Mr. Speaker:** The member for Essex-Kent.

#### PROCESSING PLANT STRIKE

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I have a question of the Minister of Labour. Can the minister report any success at all with regard to the strike at Omstead's, particularly at the terminal warehouse, which is preventing the harvesting of hundreds of acres of the snap bean crop that it is very urgent to get off at this time?

**Hon. Mr. MacBeth:** Mr. Speaker, regretfully I can't report any progress in the Omstead matter. As the member knows, that has been going on a good length of time. The members of my ministry have been working with them. They were in touch with Omstead's counsel, as recently as today. We will continue to do our best to try to get the parties together. The member knows the background of the company, I suppose. It's a long-established firm, still pretty much individually owned and operated by the Omstead family. I can't see any immediate break, although we are continuing to be hopeful and continuing to work on it.

In regard to the Ministry of Agriculture and Food, which is very much concerned about the lack of processing for the products of the area, I understand it is doing its best to make other arrangements. I've been away for a few days. When I went away, my report was that no products had been missed and that they had all been processed. That may have changed now, but I know the Ministry of Agriculture and Food is doing its best to find other places to process them.

**Mr. Speaker:** The member for Port Arthur.

#### PC FUND-RAISING ACTIVITIES

**Mr. J. F. Foulds (Port Arthur):** I have a question of the Minister without Portfolio, the member for London South (Mr. White). In the Progressive Conservative organization manual, "Campaign 1975," on page 45, in advice to fund raisers, these words appear: "Never voice your own opinions on issues. Obey the fundamentals of grassroots fund raising: Love everybody, avoid the issues and get the cheques."

**Mr. Singer:** That's not bad.

**Mr. Foulds:** Would the minister care to comment on how the "love," "avoid" and "get" should go? Should it involve physical contact in the first instance, non-physical contact in the second instance, and physical contact in the third instance?

**Hon. Mr. Grossman:** Doesn't the member believe in love?

**Hon. J. White (Minister without Portfolio):** Mr. Speaker, I've never been in the fund-raising end of the business, so I'm not the person to ask. But I suppose the instructions are to advise fund raisers not to get into difficult, complicated policy matters, but rather to leave that to the candidate and to the government.

**Mr. R. S. Smith** (Nipissing): Get the cash.

**Mr. Speaker:** A supplementary from the member for Grey-Bruce.

**Mr. Sargent:** Supplementary: Are we to understand that we are paying the minister to be organizing for the party? Is that his function in the cabinet? What does he do?

**Mr. E. M. Havrot** (Timiskaming): We never see the member for Grey-Bruce here. What is he talking about?

**Hon. Mr. White:** No, sir. I am paid \$15,000, plus \$7,500, to be a member of this Legislature and represent my constituency. If there is any doubt about my ability to do that, look at the numbers from previous elections.

**Mr. Sargent:** Does the minister deny that he is doing that job?

**Hon. Mr. White:** Just a minute. Point No. 2, I'm paid \$6,000 a year net, after our five per cent reduction, to be a Minister without Portfolio, chairman of cabinet and chairman of the legislation committee, in contrast to the member's leader, who is paid \$18,000, which is to say \$1,000 a month more.

**Mr. Sargent:** The minister doesn't rate that.

**Hon. Mr. White:** If there is any doubt in the mind of anybody in this chamber about whether I'm earning that \$6,000 relative to the member's leader, let us ask the member for Rainy River (Mr. Reid), who is the chairman of the public accounts committee, to call the Liberal leader and myself before the committee and assess the contributions we are making toward the public life of this province dollar for dollar. That's a challenge I'd be delighted to accept.

**Mr. Speaker:** A final supplementary.

**Mr. Sargent:** Does the minister deny that his function has anything to do with organization?

**Hon. Mr. McKeough:** The member is a net loss.

**Mr. Sargent:** Let the Treasurer keep quiet.

Interjections by hon. members.

**An hon. member:** The member is a dead loss.

**Mr. Sargent:** I will get to him in a minute. Does the minister deny that his function has anything to do with the organization of the party?

**Hon. Mr. White:** I don't deny I do a lot of things.

**Mr. R. F. Nixon:** He has got one thing to do and that is chair the election organization. He is the minister in charge of re-election.

**Hon. Mr. White:** I do know that I'm giving better value for my \$6,000 than my hon. friend is for his \$18,000.

**Mr. Sargent:** What does the minister do, then?

**Hon. Mr. White:** If somebody denies that, let the two of us go before the public accounts committee.

**Mr. Sargent:** Okay.

**Mr. R. F. Nixon:** I dare the minister to come to Brant and talk that way.

**Mr. R. S. Smith:** Let everybody find out what a two-bit guy he is. That's all he's worth.

**Mr. Speaker:** The member for Windsor-Walkerville.

#### HAZARDOUS SUBSTANCES IN TAP WATER

**Mr. B. Newman** (Windsor-Walkerville): Thank you, Mr. Speaker. I have a question of the Minister of the Environment. Is the minister aware that recent studies in the United States have found that drinking water which sits in household pipes overnight has been found in many instances to contain poisonous levels of metals such as cadmium, chromium, copper, iron, lead, manganese and zinc? Can the minister assure the House that no such levels of these metals can be found in Ontario waters, as such metals can cause high blood pressure, arterial problems, as well as mental retardation?

**Mr. Deans:** So that's the problem.

**Hon. W. Newman** (Minister of the Environment): Mr. Speaker, that's a very good question.

**Mr. Sargent:** Yes or no?

**Hon. W. Newman:** No. To exercise a little caution, I would like to see that article. To my knowledge, there is not, but of course there are always possibilities. We are always constantly checking this. Where we have a dead-ending of a line, for instance, where there isn't a lot of water coming out of it at the far end of the line we do special checks

on certain water systems to check just for the sort of things the member is talking about.

**Mr. Deans:** Supplementary question: In case there is a problem, would the minister put out a directive that everyone allow their taps to run for five minutes before they take a drink?

**Hon. W. Newman:** It all depends how dry it is.

#### UNION CARBIDE EMISSION LEVELS IN WELLAND

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, a question of the Minister of the Environment: Has the minister any progress report on the reduction of air pollution at the Union Carbide Canada Ltd. plant in Welland?

**Hon. W. Newman:** Mr. Speaker, I was asked about that in the House last Friday and I said I would get a report in some detail about that—I believe it was for a colleague of the member. I haven't got it as yet; no.

**Mr. Speaker:** The member for Huron.

#### BRADLEY-GEORGETOWN TRANSMISSION CORRIDOR

**Mr. J. Riddell** (Huron): A question of the Minister of the Environment, Mr. Speaker: In view of the fact that the environmental assessment bill will likely be proclaimed within the next week or two, would the minister require Ontario Hydro to submit an impact assessment on the Bradley-Georgetown power line and would the minister also permit the opponents of such a line to appear before the newly-established Environmental Impact Assessment Board?

**Hon. W. Newman:** No, Mr. Speaker, but I'll explain why. I believe the board has a hearing on presently, set up by the Minister of Energy. The member has been at the standing committee with us for a little over a week on that bill. As far as proclaiming the bill, we have to put staff in place and have to have a great number of meetings. The Environmental Assessment Act will not be proclaimed within a week.

**Mr. Speaker:** The member for High Park.

#### PENETANGUISHENE HOSPITAL CONDITIONS

**Mr. Shulman:** A question of the Provincial Secretary for Social Development, Mr. Speaker: What response is the ministry or the government going to make to the petition signed by the guards at the hospital for the criminally insane at Penetanguishene in which they express their deep unhappiness at the way in which the minister is now running that organization?

**Hon. Mrs. Birch:** Mr. Speaker, I have not even seen such a petition.

**Mr. Speaker:** The member for Grey-Bruce.

#### DOUGLAS POINT GENERATING STATION

**Mr. Sargent:** Mr. Speaker, a question of the Minister of Energy: Would the minister advise the reasons why 20 trailers of pipe from Douglas Point are being trucked to Calgary by the Lummus Co. for fabrication at an extra estimated cost of \$1 million to the Ontario taxpayer? Is he aware that this is going on now, and is it the fault of Lummus Co., or whose fault is it?

**Hon. Mr. Timbrell:** As a matter of fact, I was at Douglas Point on Wednesday evening and that point, that allegation that the hon. member makes, was not drawn to my attention. I will have it investigated and will report.

**Mr. Speaker:** The member for Ottawa Centre.

#### ECONOMIC CONDITIONS

**Mr. Cassidy:** Thank you, Mr. Speaker. I have another question of the Treasurer. Can the Treasurer explain the new programme that is being established within his ministry to provide short- and intermediate-term economic forecasting and analysis if developments which affect the Ontario economy? Is the new programme being created because of the failure of the minister's first budget to forecast accurately Ontario economy this year?

**Hon. Mr. McKeough:** No, Mr. Speaker.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Can the minister explain the programme, and can he also say that the reason an economist is being advertised for in the New York Times to direct the programme at \$24,000 a year is some kind of comment by the minister



on the quality of advice he's been getting from Canadian economists?

**Hon. Mr. McKeough:** Mr. Speaker, I wasn't aware that any such ad appeared in the *New York Times*. I'll be glad to look into that particular aspect of it. I would just say this, that we generally are very pleased with the forecasts done by people in our ministry, verified by and cross-checked by a number of independent forecasts, conference boards, the C. D. Howe Institute, chartered banks. These are brought together from time to time. Sometimes we are better than other forecasters, sometimes we are not as good.

The point which I think should be made in connection with any difference between the forecast which we made on April 7 and the revised forecast which we made on July 7, is the fact that the staff of Treasury and their minister and this government take the responsibility for those forecasts. There seem to be three forecasts which are somewhat questioned—or two out of the three: the gross provincial product, the unemployment forecast, and the rate of increase in the consumer price index.

I would call to my friend's attention that although we are not always right we do, in fact, make those forecasts. One can go through Mr. Turner's budget of last November or his budget of June 23 and find not one of those three figures forecast. Inevitably, the easiest way would be not to make those forecasts. Over the last five years—if not a little longer—we have stuck our necks out and made the forecasts and we propose to continue to do so. But it isn't an exact science and we don't expect to be always right.

**Mr. Speaker:** The member for Nipissing.

### COST-SHARING PROGRAMMES

**Mr. R. S. Smith:** I have a question of the Treasurer, Mr. Speaker, in regard to his statement at the time of the budgetary changes, when he stated the provincial government would no longer enter into any federal-provincial agreement as far as cost-sharing programmes are concerned. Could the minister explain to me what effect this has on the rail relocation studies programme, which is a shared programme between the federal and provincial governments and which has not yet come to full agreement? Secondly, would he describe what is going to happen to the DREE programme as far as Northeastern Ontario is concerned, as he indicated to me last week that he would?

**Hon. Mr. McKeough:** Mr. Speaker, there are differences in programmes; some are open-ended and some are closed. The member made reference to particular programmes which I would describe as having some termination, which have some fixed cost element and which, by separate agreement, are agreed to. We know what we are getting into ahead of time and can get out at the appropriate point of time and that's it.

In terms of the effect on DREE, most of the subsidiary agreements under DREE—Cornwall being a case in point—have had a total dollar amount and a degree of cost-sharing, whatever the percentages may be. In the case of Cornwall, it was necessary to amend that agreement but at least we each did so in the knowledge of what was going on. I don't see any particular effect on future DREE agreements insofar as what I said on July 7 last is concerned.

**Mr. R. S. Smith:** A supplementary, Mr. Speaker. The minister has not answered my question insofar as the rail relocation studies are concerned. Is he indicating in his answer that these will go ahead regardless?

**Hon. Mr. McKeough:** Mr. Speaker, the government has taken the position, through my colleague and fully supported by all members on the Treasury benches, that the government of Canada should pay 100 per cent of the cost of rail relocation. What I have had to say about shared-cost programmes in that area could hardly be applicable. We have agreed to a shared-cost, an extension really of the normal Ministry of Transportation and Communication's planning studies. We have not as yet agreed to a cost-sharing arrangement for actual construction, if, as and when.

**Mr. R. S. Smith:** If you might permit me one short supplementary, Mr. Speaker: Is the minister going ahead with the study programme on the 50-50 agreement which is in the works of being agreed to with the federal government?

**Hon. Mr. McKeough:** Yes, but it is not 50-50.

**Mr. R. S. Smith:** What is it?

**Hon. Mr. McKeough:** I am sorry, I haven't got that percentage. It works out for the municipalities to 12½ per cent; and then 50 per cent to 37½ per cent; something like that, I have just forgotten.

**Mr. Speaker:** The member for Stormont.

## SPENCERVILLE PARK

**Mr. G. Samis** (Stormont): In view of the Treasurer's comments last week, could the Minister of Industry and Tourism inform the House what role his ministry will be assigning to Spencerville Park in terms of economic development for eastern Ontario?

**Hon. C. Bennett** (Minister of Industry and Tourism): Mr. Speaker, in the current year we will be proceeding with some long range planning and development; and at the same time, along with the Minister without Portfolio, the member for the London South continuing to discuss with industry the possibility of some of the major industries in this country locating in that park.

**Mr. Samis**: Mr. Speaker, what priority is the minister assigning to locating industry in the Spencerville area, in view of the Treasurer's announcement last week?

**Hon. Mr. Bennett**. Mr. Speaker, as far as priorities are concerned, we will continue to find industries that are interested in major developments. May I inform the House that at the present time in the economy of this country, and with some of the lack of encouragement that comes from the federal budget, it's difficult to find industries that wish to expand their investments in the country at this very moment.

That does not mean to say, Mr. Speaker, that we will not continue to explore with each and every major industry in Canada at this time, as well as with some of the foreign interests, the possibility that they come and locate in Edwardsburgh; and we have several that have indicated that in a long range plan they anticipate setting up secondary, or at least a second, manufacturing base in Ontario.

**Mr. Speaker**: The member for Carleton East.

OTTAWA-CARLETON  
DETENTION CENTRE

**Mr. P. Taylor**: Thank you, Mr. Speaker. Since the mini-debate on Friday with respect to morale and other factors at the Ottawa-Carleton regional detention centre, can the Minister of Correctional Services say whether or not additional information has come to his attention in the interval to prove that morale is very low and that much has to be done there?

**Hon. Mr. Potter**: No, it hasn't, Mr. Speaker.

**Hon. Mr. Bennett**: It is only in Carleton East that it is low.

**Mr. Deans**: What was that outburst all about?

**Mr. Speaker**: The member for Port Arthur.

## PC FUND-RAISING ACTIVITIES

**Mr. Foulds**: Thank you, Mr. Speaker. A question of the Minister without Portfolio, the member for London South: On page 34 of the PC organization manual, "Campaign 1975," this advice to local candidates appears: "Local issues are sometimes important in an election but not very often. If a survey has been done in your constituency, you will know what the local issues are and the feeling of the voters on them."

Would the minister care to inform the House what constituencies he has done a survey in; and secondly, is the first statement—about local issues not being important very often—an indication that the PCs are going to run a very centralized campaign?

**Mr. J. M. Turner** (Peterborough): I think that was borrowed from the member's party.

**Hon. Mr. White**: I have no knowledge of these matters. They are not part of my responsibilities. In point of fact, we're having a highly decentralized campaign.

As a matter of interest, Mr. Speaker, I was reading a research paper this morning showing the degree of decentralization and de-concentration which we've accomplished here in this province in the last three or four years. I'm going to send it to Mr. Lewis Mumford, who is the principal proponent of decentralization, and invite his comments. When I have, then, perhaps the hon. member and our colleagues in the House would like to have some observations from that innovative thinker—on the subject of our progress here in Ontario.

**Mr. Foulds**: Supplementary.

**Mr. Speaker**: Order please. It has been indicated the hon. minister is not really responsible for these matters.

**Mr. Foulds**: I was just going to ask him: Doesn't he find it rather schizophrenic—the difference between his responsibility as campaign chairman and his responsibility in the cabinet?

**Mr. Speaker**: The member for Grey-Bruce.

## OIL AND GAS PRICES

**Mr. Sargent:** Mr. Speaker, a question of the Minister of Energy again: As the OPEC countries raise oil prices—and there is an increase forthcoming shortly, I understand—the Canadian oil companies, with their production and their reserves, will reap new bonanzas in profits; does the minister have any plans to put a freeze on these companies in the future?

**Hon. Mr. Timbrell:** Mr. Speaker, that's a very interesting question. First of all, let me just give a little bit of background. It is the policy of the member's party at the federal level that domestic oil prices should reach world levels—

**Mr. Sargent:** We meant the province; this ministry.

**Hon. Mr. Timbrell:** Just a minute, just a minute.

**Mr. Ruston:** The minister is speaking to the press gallery. He keeps looking up to them.

**Mr. Speaker:** Order please.

**Hon. Mr. Timbrell:** Secondly, it is the policy of his party—

**Mr. R. Haggerty (Welland South):** It is the minister's friend Loughheed.

**Hon. Mr. Timbrell:** —that domestic natural gas prices should be on a parity, on a heating value basis, with natural oil. In other words, it is the policy of the member's party to chase this moving target at the world level. It is not the policy of this government.

**Hon. Mr. Grossman:** It's the most stupid policy that has ever been operated by any government.

**Mr. Sargent:** Answer the question.

**Hon. Mr. Timbrell:** The answer is in the form of a bill that passed this House last week; we have frozen prices in this province for 90 days and we have appointed a royal commission to advise us on how best to cope with these situations in the years ahead. But let it be absolutely clear that it is the member's party, it is his party, that is wreaking this on the country.

**Mr. Speaker:** The member for High Park.

## LOAN SHARKING

**Mr. Shulman:** A question of the Solicitor General Mr. Speaker: Is the Solicitor General,

now that he has had an opportunity to look into the loan-sharking business—and specifically the more recent incident involving Mr. Hovey—prepared to make some statement on the matter. Specifically, would he agree there is now a need for a royal commission into the problem of organized crime in this province?

**Hon. Mr. Kerr:** Mr. Speaker, as far as Jack Hovey is concerned, as was indicated earlier—I believe not only in this House but in press reports—he is missing. His whereabouts are not known at the present time.

**Mr. Shulman:** Try Lake Ontario.

**Hon. Mr. Grossman:** Why doesn't the hon. member send him a questionnaire?

**An hon. member:** Ask the member for High Park who inspired it.

**Hon. Mr. Kerr:** The speculation centres on one of two possibilities: (1) That he is dead; or (2) that he simply absconded with some money and can't be found.

**An hon. member:** He can be found in BC.

**Mr. Shulman:** He left a finger behind, I understand.

**Hon. Mr. Kerr:** Susie Toddler is in town she may know; I don't know.

Interjections by hon. members.

**Hon. Mr. Kerr:** In any event, the various police forces are trying to locate him because of the request of his wife to find him. Until we locate the man and find out where he is and why he is missing, there is really nothing more we can say.

**Mr. Shulman:** A supplementary, if I may, Mr. Speaker: In view of the fact that he left behind many hundreds of thousands of dollars owing to him—

**Mr. R. G. Eaton (Middlesex South):** Is the member for High Park sure?

**Mr. Havrot:** Maybe he was rubbed out.

**Mr. Shulman:** —would the minister not think it unlikely that he left voluntarily, particularly in view of the circumstances? Would the minister answer the second part of my question with relation to the royal commission?

**Hon. Mr. Kerr:** Mr. Speaker, I don't feel an incident such as this warrants a royal commission into organized crime.



**Mr. Shulman:** No, the whole situation.

**Mr. Speaker:** The time for the oral question period has expired. I'll recognize the member for Hamilton Mountain.

**Mr. J. R. Smith** (Hamilton Mountain): Mr. Speaker, through you sir, I'd like to introduce to the hon. members a group of students from the Province of New Brunswick who are visiting the west gallery today as part of the Young Voyageurs project.

**Mr. Speaker:** Petitions.

Presenting reports.

Motions.

Introduction of bills.

The member for Huron-Bruce.

#### NON-RETURNABLE BOTTLES AND CANS ACT

**Mr. Gaunt** moves first reading of bill intitled, An Act to prohibit the Use of Non-returnable Bottles and Cans.

Motion agreed to; first reading of the bill.

**Mr. Gaunt:** The bill, Mr. Speaker, is self-explanatory.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The third order, House in committee of the whole.

#### ENVIRONMENTAL ASSESSMENT ACT

House in committee on Bill 14, the Environmental Assessment Act, 1975.

**Mr. Chairman:** Mr. Minister.

**Hon. W. Newman** (Minister of the Environment): Mr. Chairman, in presenting the Environmental Assessment Act to this House at this time, the bill has been amended and approved by a standing committee of this Legislature. As I said in this House when I introduced this bill, I believe the Environmental Assessment Act is pioneer legislation which establishes a precedent which will serve as a landmark of environmental protection in Canada. The principle of this bill is to provide what amounts to preventive medicine in this field, the vital fuel of environmental protection, by establishing a systematic process of environmental assessment at the earliest stage of an undertaking. This bill ensures this objective and provides a means by which the individual, as well as the highly organized group, may clearly advance opinions and be heard during the decision-making process.

I wish to emphasize again that the application of this bill will not hinder or delay environmentally acceptable undertakings anywhere in this province. Concern has been expressed that the bill will effect the construction of houses in the province.

I emphatically assure this House and the people of Ontario that the Environmental Assessment Act will have no restrictive effects upon the construction of housing in Ontario. This bill will apply ultimately to all major undertakings—governmental, municipal and private—in our province.

Municipalities will be exempted until we have had thorough discussions with them. As worded, the bill does not apply to the private sector until such time as the necessary regulations are passed. We would like to point out that our decision that the bill will not have general application to the housing industry was endorsed by the standing committee. I would like to say, Mr. Chairman, I believe this had general unanimity among all parties of the standing committee.

It is not the intention of my ministry to hinder or delay progress although, at any point in the future, when this bill is widely applied, it is the intention of my ministry, in co-operation with other ministries of this government, through this bill, to safeguard the natural, the social and economic environments.

This bill provides full and ample opportunity for public participation in the consideration of environmental assessments and public hearings under the terms of the Act. The Environmental Assessment Board will have the authority to make decisions when public hearings are held. The Minister of the Environment and the cabinet will exercise their rightful and necessary responsibility to serve as the final arbiters of these decisions.

Many submissions and recommendations were received by the standing committee and by my ministry during preparation and consideration of this bill. Those submissions and recommendations resulted in important amendments being adopted into the bill.

The standing committee served as a forum for public participation. I believe that all who wished to comment were able to do so. The committee spent many hours considering these submissions. Mr. Chairman, great effort has been expended in many quarters to refine and improve this most important piece of legislation to make it workable and efficient.

I believe the Environmental Assessment Act is an innovative and comprehensive piece of legislation which will protect the environment of this province in the infinite future.

**Mr. Chairman:** Are there any comments, criticisms or amendment to any section of the bill in committee and if so which section?

**Mr. J. A. Renwick (Riverdale):** Section 2, Mr. Chairman.

**Mr. Chairman:** Section 2. The hon. member for Huron? Which section?

**Mr. J. Riddell (Huron):** Section 2.

**Mr. Chairman:** Shall we deem section 1 as carried?

Section 1 agreed to.

On section 2:

**Mr. Riddell:** Mr. Chairman, first of all I would like to offer a few remarks inasmuch as I fail to see why this has gone into committee of the whole House unless it is a case of one addressing oneself to certain clauses of the bill to get them recorded on Hansard.

We have undergone considerable study of this in standing committee and we offered several amendments, some of which the minister accepted, many of which he did not. The minister brought forth amendments on his own to several sections of the bill so really I think it is an exercise in futility in going over this clause by clause.

As far as section 2 is concerned, we suggested in standing committee words be added in section 2 so that the section would read, "The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for their rights the protection, conservation and wise management in Ontario of the environment."

The reason we made this suggestion was that we wanted to protect the interests of the people. We felt Ontario citizens should have an input into the impact assessments which were done on major projects. If they saw a reason to object they should have a full hearing before the board because actually it is their right that we have a clean environment in Ontario.

As the section is now written, it would appear that the environment is pretty much left to the discretion of the minister and if he feels that an assessment should be accepted or rejected really he is the one who has the discretionary powers to do so. You would think that it is left pretty much to the whim and fancy of the minister as to whether Ontario tries to clean up its environment. We feel the public should have just as much input and just as much say because actually it is their right to a clean environment. We

suggested the addition of three little words there; the minister refuses to accept them. I trust that he will still take that stand although we would strongly advise that somewhere in here we should indicate that the people of Ontario have a right to a clean environment and that it is not just the ministers right to decide what part of the environment should be cleaned up or what part should be polluted if it happens to suit the intentions of a major developer who wants to undertake a major project. Thank you.

**Mr. Chairman:** The member for Riverdale.

Mr. Renwick moves that section 2 of Bill 14 be amended to read as follows: "The purpose of this Act is to establish the right of the people of Ontario to the protection, conservation and wise management in Ontario of the environment."

**Mr. Renwick:** Mr. Chairman, I move this amendment in this committee in order to point out to the ministry in particular that we have got to get to the point where a government in Ontario is not frightened about creating rights. I think we have passed the point in time where the rights of the people of the Province of Ontario can be dealt with only within the framework of procedural safeguards.

The reason that I move this amendment is to state clearly that we are not engaged in the establishment of a continuing paternalistic concern by the government about the environment but that we are establishing the right of people to the protection of that environment so that everyone concerned with the administration of this Act, in the government and in the Environmental Assessment Board, knows that they are talking about their obligations to protect the peoples right to that environment. It becomes of extreme importance, because later on in the bill there is an amendment which goes some way to establishing the right of public interest bodies to appear before the Environmental Assessment Board—I grant that that particular amendment is a vast improvement over the bill, and I grant that a further amendment to which we can make a reference when the time comes is a substantial improvement in the bill—but everyone knows that in the jurisprudence in our province, both in the courts and before administrative tribunals, it is very difficult to establish the right of public interest bodies which have come into being over the course of time in many fields, but particularly in the field of environmental protection, to have a standing before the very

tribunals that are going to make the decisions about the protection of the environment.

That's the reason for the amendment. I do not propose to ask that the matter be dealt with now by way of a vote but, assuming as I always do, that we have sufficient members to ask for a vote, we would then ask that the amendment be stacked.

**Mr. Chairman:** The hon. minister.

**Hon. W. Newman:** Mr. Chairman, I cannot accept this amendment. We did discuss it in the standing committee. This amendment creates some legal uncertainties in the other sections of the Act—

**Mr. J. E. Stokes (Thunder Bay):** So does the bill.

**Hon. W. Newman:** Well, I think the purpose is spelled out pretty clearly under section 2 of the Act: "it is [for] the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment." I think that spells it out pretty clearly.

As far as public participation is concerned, I think the member for Riverdale did mention that further into the Act we have made a great deal of reservation on the Statutory Powers Procedure Act and before the hearing board that any individual will not be denied the right to be heard before the board. So I think as far as the hearings are concerned, and as far as this bill is concerned, we have certainly made it very clear that people will have these rights.

**Mr. Chairman:** The members have heard the amendment as read by the Chair. Is there anyone else who wishes to speak to this amendment before we put it? Does the hon. member for Huron wish to speak?

**Mr. Riddell:** I understand what the member who just spoke is getting at, but I'd be awfully afraid that this wording changes the entire purpose of the bill. In other words, we're endeavouring to protect the environment in the bill; I don't think we're endeavouring to establish a person's right. I think these are two completely different things, and to my way of thinking, if we accepted that amendment we would almost have to draft a new bill, because the original principle, I feel, would have been changed.

I didn't put forth the amendment, because, I say again, I think it's an exercise in futility. But if we simply added the words to the section—leaving the fact that we're protecting

the environment—providing for the rights of the Ontario citizen, "the protection, conservation and wise management in Ontario of the environment," as I see this amendment, to my way of thinking it's changing the original purpose. It's changing the original principle of the bill, and dear knows, I don't want to have to go back and sit through another two or three weeks discussing this whole thing if a new bill has to be drafted.

**Mr. Chairman:** All those in favour of Mr. Renwick's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Is it the pleasure of the committee that we stack these votes?

Agreed.

**Mr. Chairman:** Any other comment to any other section of this bill?

**Mr. Renwick:** Section 3, Mr. Chairman.

**Mr. Chairman:** Section 3, the hon. member for Riverdale.

On section 3:

**Mr. Renwick:** Mr. Chairman, I'd like to place this motion.

Mr. Renwick moves that section 3 be amended to read as follows: "This Act applies to,

(a) only on and after a day to be named in a proclamation of the Lieutenant Governor, undertakings by or on behalf of Her Majesty in right of Ontario, or by a municipality or municipalities;

(b) undertakings of public bodies and undertakings of persons other than a person referred to in clause (a), on and after the day this Act comes into force."

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Chairman, while the language is phrased somewhat in legal jargon as, unfortunately, must be the case apparently with these bills that we have before us—

**Mr. Stokes.** Why?

**Mr. Renwick:** I don't know why.

Interjection by an hon. member.

**Mr. Renwick:** I think that we have expressed ourselves, both in the debate on second reading and during the discussions in committee, that so far as this caucus is concerned, we understand the need for the implementa-



tion in stages of a bill which, in its ongoing features, will encompass all of the undertakings which are of significant importance in the Province of Ontario, whether they are carried on by the government, by the private sector, or by public corporations such as Ontario Hydro, or the Ontario Northland Transportation Commission, and that a priority must be established as to the way they are going to be implemented.

I think I would like to say also that, regardless of the section and regardless of my amendment, whether the section stands as it is presently drafted in the bill, or whether the amendment which I have just put finds favour, it doesn't of course, alter in any way the complete authority of the minister under the regulatory clause, section 41, of the bill, to determine the order under which any undertakings come within the purview of the bill.

So, in a sense it is a little bit of gobbledook, because the fact of the matter is that the exempting provision—the power for the minister to exempt undertakings, the power of the minister to exempt classes of undertakings, the power of the minister by way of regulation to designate even among exempted classes those undertakings which are going to be subject to the bill under the regulatory power—reposes in the minister almost absolute and complete control. All we have to go on in the bill, all that the public has to go on, are the express statements of the minister as to the way in which he envisages this bill being implemented in its application to particular undertakings.

The minister has said, as I understand it, that he expects this bill to be proclaimed in force in the next few months—presumably in three, four or five months' time. At that point in time it will be applicable, as he sees fit, to the undertakings of the government of the Province of Ontario, and as he sees fit thereafter to the undertakings of various municipalities and the undertakings of public bodies. Then he has stated, both in the assembly and in committee, that he foresees 18 months hence—give or take some time—the ministry may be in a position to make the statute applicable to portions, or some portions, of the private sector with respect to their major undertakings. Now, that is the priority that the bill envisages—subject always, as I say, to the total overriding power of the minister to change the order under which any particular projects come into the purview of this statute.

What we have been saying, and what we have been saying time and again, is that the ministry over a period of years has realized

the importance to the public and the public concern about the protection of the environment—and this bill is evidence of that. The government in its undertakings has in various specific and in many cases on an ad hoc basis, in fact, provided within the individual ministries of the government some kind of assessment of the environmental impact. I am not saying it is perfect; I am not saying it is fine; I am not saying in each case it has been exactly what should be done. But this government, having come with this bill before us, can now leave to a later date, as a matter of priorities only, the undertakings of the government of Ontario to be within the purview of the bill.

The minister can also leave it so far as the municipalities are concerned, because they, too, are responsible governments which are involved in the public impact of environmental assessment with respect to their undertakings. That is part of the political atmosphere at the present time. It is part of the response of government in this particular period of time to the express needs and wishes of the electorate which determines the fate of governments, both at the provincial and the municipal level. So they could be left to a later date.

Where the problem is with respect to environmental assessment and environmental impact is in the major enterprises and undertakings of the private sector and in the major enterprises and undertakings of public corporations such as Ontario Hydro or the Ontario Northland Transportation Commission, not being necessarily agents of the Crown but something called a public corporation as distinct from a part of the private sector.

My amendment simply reverses the priority. It endeavours to say, in place of having the Act apply to the undertakings of the government of Ontario in the first instance, it will apply to the undertakings of the major undertakings of the private sector and the major undertakings of Ontario Hydro and that later on in the time span that the minister speaks about, some 18 months or two years hence, it can be made applicable to the undertakings of the government of Ontario.

This doesn't preclude the minister, if my amendment were accepted, from designating a particular undertaking of the government of the Province of Ontario as deserving of, or requiring this kind of environmental assessment or environmental impact hearing to determine the extent and nature of that impact. But the priorities must of necessity be

obviously right. As suggested in my amendment, I cannot for one single moment concede that a chemical complex, such as Petrosar, is going ahead, regardless of its expressed good intentions to do all of the good corporate things about environmental protection on its own and without any government intervention at all. Of course, if that were the case, we wouldn't need this legislation.

I can't conceive that a project, an undertaking such as Petrosar, should not be subject as quickly as possible to a full-scale environmental impact hearing and assessment as to whether or not it should be allowed to proceed; in what stages it should be allowed to proceed and what the problems are with respect to it.

We had before us in committee Dominion Foundries and Steel. We had, I thought, a very interesting and valuable discussion with Dominion Foundries and Steel. I took it that what they were saying is that in the forward planning which is required in a complex industry such as the steel industry—or, as I've said, in a complex industry, such as Petrosar in Sarnia—that they have to forward plan a considerable period of time; that they've got to say that, everything else being equal, they have an undertaking which is of a 10-year duration and they intend to implement that undertaking over a period of 10 years. They cannot implement it all at once for any number of reasons, a good portion of it being that the capital is not available immediately to deal with that kind of gigantic expansion.

Obviously, a 10-year undertaking in a major industrial enterprise in the Province of Ontario cannot put that drain on the skills available for the implementation all at once. You can't do it, presto, as if you'd thought about it for a long time and then overnight it could come into force. Dominion Foundries and Steel were expressing their concern that they would get part way into their 10-year undertaking and find that at some stage in it the government would insist on an environmental assessment and create an aura of uncertainty with respect to the completion of the overall undertaking in such a way as to make it difficult for Dominion Foundries and Steel, for example, to proceed and make it difficult for them to raise capital because of the uncertainty which would be created at any point in time.

Rather than being concerned about whether or not there was going to be an Environmental Assessment Act, I took it that what the spokesmen for Dominion Foundries and Steel were saying was, "All we want to

do is to know what the rules of the game are going to be. We want to know right now what they're going to be." It seemed to me that supported the argument which I am making to the minister that at the earliest possible moment, in accordance with the amendment which I have introduced, this bill should be made applicable in the first instance to the major enterprises and undertakings of the private sector.

Let me refer to a third undertaking in the private sector which has been of great concern to me. I simply quote from the notification which appeared in the New York Times some time ago and I haven't pretended for one moment to follow it up. My colleague, the member for Cochrane South (Mr. Ferrier), would be much more knowledgeable than I am about it.

Texasgulf Inc. which is, of course, in the riding of my colleague, the member for Cochrane South, so far as the particular mine up there is concerned, said it has signed a letter of intent with the Mitsubishi Metal Corp. covering engineering of a continuous smelting process for its previously reported more than \$200 million copper smelter and refinery plant for Timmins, Ont.

Texasgulf said its new smelter, due for completion in 1978, will be the first such facility outside Japan to use the Mitsubishi process, described as "the most efficient and environmentally sound pyrometallurgical copper smelting process in existence today." If we have come this far with this kind of a bill after an immense period of gestation—both with respect to the bill and with respect to the gradual awareness of the government over many years to the need for environmental assessment—all I'm saying in the amendment is that's the kind of undertaking to which this bill should apply at the earliest possible date.

Those are three obvious examples which I've used for the purpose of supporting the argument behind the amendment which I put forward.

Leaving the private sector it seems to me, as my friend from Huron said quite recently today in relation to his question which he put to the Minister of Energy (Mr. Timbrell), that there are undertakings of Ontario Hydro, of necessity, all of which for practical purposes, because they're usually major ones, require that this bill apply to them as soon as possible. It seems to me it's most important therefore that, along with the examples I've given from the private sector, it should apply to those of Ontario Hydro.



The bill, as it's presently drafted, does allow the minister to apply it immediately to Ontario Hydro. I have retained that in the amendment which I have put before the minister. He will see I have referred to public bodies and undertakings of what can be colloquially referred to as the private sector in the one portion of the bill and I've left the undertakings of the government of Ontario and of the municipalities in that portion of the bill to be delayed some significant period of time.

It seemed to us in our caucus that any reasonable understanding of the needs of the environment, the needs of the people for the protection of that environment would mean that the order which I have suggested is a reasonable one. It relates to the factual situation as it exists in the Province of Ontario and does not relate to the priority and order of priority which the minister has enshrined in his version of section 3 in the bill. I would ask the minister to reconsider his rejection of this reversal of priorities and to accept the amendment which I put before you now.

**Mr. Chairman:** The hon. member for Huron.

**Mr. Riddell:** I simply want to support this amendment. I really fail to see why the greatest polluters of our environment would be excluded from this bill until such time as the minister felt he had his administrative offices set up to handle the various assessments as they come in and what have you.

Again, using Ontario Hydro as an example—although I expect it could be considered a public body now—I'm sure there wouldn't have been this hassle right now over the Bradley-Georgetown line had Ontario Hydro been required to submit an impact assessment study to the minister and had the opponents had an opportunity to appear before the assessment board, and certainly if Ontario Hydro is not required to put impact assessment studies on projects which it expects to undertake, then it wouldn't surprise me a bit but what we would see another power plant established in Huron county, somewhere south of Goderich, before Hydro would be brought in under this Act—and, of course, then the damage is done. The minister, having had some experience, or quite a bit of experience, in agriculture, knows full well what I am talking about when I say it is imperative that we try to keep pollution out of some of the best agricultural areas in the province.

I really think the private sector should be brought in as soon as this bill is proclaimed, because, really, who pollutes the environment more than the private sector? I just fail to see where the public sector or the municipalities are contributing all that much to pollution; I think they are taking measures now to correct some of this, whereas the private sector has one motive in mind and it goes ahead on this basis. Dear knows how long the minister will exclude them from this bill, until such time, as I say, as he feels that he has his administrative offices set up to handle the situation. I would support these amendments.

**Mr. Chairman:** I will not reread the amendment proposed by Mr. Renwick. We'll take it as read.

All those in favour of Mr. Renwick's amendment—does the minister wish to respond? I'm sorry.

**Hon. W. Newman:** I would just like to respond very briefly, Mr. Chairman. When I first brought the bill forward I said government and government agencies—and, of course, we are both talking about Hydro—and Hydro would be brought into that classification. The municipal organizations will come under the bill at this point in time but will be regulated out until we have had a chance to discuss it with them. We now have the Environmental Protection Act and the Ontario Water Resources Act, under which we keep a pretty close tab on the industrial sector. It's a lot cheaper for industry to go ahead and do a voluntary assessment, which many of them are doing, rather than pay the price after the fact, as is the case for many of the industries now. It's costing them a great deal of money to put on the necessary abatement equipment which we are demanding. We are now asking them to come forward on a voluntary basis and many of them are, because it's a lot more practical for them to do it at this point in time.

The member for Riverdale mentioned Dominion Foundries and Steel Co., where they do plan 10 years ahead. I think I made my position very clear to them the other day when I agreed that yes, they are 10 years down the road in their programme, and if they have started something now, they should be looking at environmental assessment down the road when they start into their next phase of the programme.

You know, some of us think that just because the Environmental Assessment Act will be in place everybody is automatically going to be a major polluter. I don't think so. I



think, on the contrary, most people are going to adhere to the Act. Most people are going to try and be good corporate citizens. I would like to say that for any industry to go ahead, knowing this Act is going to be proclaimed, without some sort of environmental assessment within their own organization in the future, would be looking for a great deal of trouble. We decided to go the route of government and government agencies, Hydro being one of them, and then the municipal and then the private sector; but keeping in mind, under section 41, as the member for Riverdale pointed out, if we find a flagrant violation in the major industrial sector, or somebody trying to create a major problem for us, there is no reason we can't actually deal with it under section 41. But it is just physically impossible to get the staff and the technical expertise into place to bring them all in at the same time, and thus we want to go the route of government and government agencies, municipal; out, and back in after discussions, and then the private sector after that; but keeping in mind that we already have two Acts which give us a fair amount of control over the private sector.

**Mr. Chairman:** All those in favour of Mr. Renwick's amendment to section 3 will please say "aye."

All those opposed will please say "nay." In my opinion, the "nays" have it. Shall we stack this amendment as well?

**Mr. Renwick:** Yes, Mr. Chairman.

**Mr. Chairman:** Are there any further comments, questions, criticisms or amendments to any other section of the bill, and if so, to what section?

**Mr. Renwick:** Mr. Chairman, I have no further comments until we come to section 12.

Section 4 agreed to.

On section 5:

**Mr. F. A. Burr** (Sandwich-Riverside): On section 5(3)(b)(iii), Mr. Chairman, during the discussions in committee, this line, "the alternatives to the undertaking," caused some difficulties. The section says that the environmental assessment submitted to the minister shall consist of several things, one of them being a description of and a statement of the rationale for, in section 5(3)(b)(iii), the alternatives to the undertaking. "The alternatives" means all the alternatives not just some alternatives, and this created quite a bit of discussion.

During the discussion it was pointed out that if, say, Hydro proposed a nuclear plant, this section would require Hydro to outline the environmental advantages and disadvantages of such alternatives as fossil fuel, steam plant, steam plant fired by wood from an energy plantation, a wind-energy alternative system or possibly even a solar-energy alternative system.

I would just like to have this on the record because, Mr. Chairman, you probably realize that for some strange reason the committee refused to allow the discussion to be recorded despite the recommendations of the procedural affairs committee on bills of such great importance.

Section 5 agreed to.

On section 6:

**Mr. Burr:** Mr. Chairman, section 6 specifies a proponent is required to submit to the minister an environmental assessment. It had been pointed out that if those interested do not become aware of the assessment or the statement until it is published, then anyone who wishes to study the assessment and make recommendations to the minister has only 15 days—no—

**Mr. Riddell:** It's 30 days.

**Mr. Burr:** It was originally 15 days, and now it is going to be 30 days; however, under some circumstances, this would be an inadequate amount of time. It was suggested that the time at which a proponent is required under the Act to submit an assessment by the minister would be the time to allow those interested to know that this project was being proposed and that an assessment was being made.

During committee, the minister undertook to give as much publicity as was necessary when the announcement was being made that an assessment was being required. The minister stated that if it was administratively possible, this he would do. I would just like that put on the record.

Sections 6 to 11, inclusive, agreed to.

**Mr. Chairman:** The hon. member for Riverdale on section 12.

On section 12:

**Mr. Renwick:** Mr. Chairman, I have no amendment to propose to section 12; I simply want to emphasize to the committee the importance of what we are endeavouring to do in section 12(4).

I am content, for the present time, with the amendment which was accepted by the

ministry during the course of the committee hearings as expressing the intention of this assembly about the persons who will be permitted to have standing before a hearing of the Environmental Assessment Board. Section 12, briefly, is the point in time where, if various procedural requirements have taken place, there is the first intimation to the board that a hearing is to be held. When I refer to the board, of course, it is the Environmental Board.

My concern, which I expressed in the committee, was that public interest bodies, such as Pollution Probe and the Canadian Environmental Law Association, and other bodies of one kind or another which have come into being by public-interested citizens contributing funds to establish organizations which will monitor, oversee, survey, and carry out a degree of surveillance with respect to the protection of the environment, must of necessity, in a bill like this in the present context of the society of the Province of Ontario, be assured they have a claim to standing. I'm not arguing about the fact that the determination of those who are parties to the proceeding will be specified by the board. The board can't of necessity be arbitrary; the board must of necessity be guided by the intention of the statute with respect to who should have standing.

As I say, I accept the section as drafted, but I would like to draw the minister into confirmation of a couple of things with respect to that section of the bill, so that those who may have occasion to do so, when the Environmental Hearing Board is considering its procedures, how it will operate and how it will deal with the hearings that come before it, will have the benefit of the minister's confirmation that public interest bodies, even though they may not have a specific, particular interest in the sense in which the rules of private litigation and other board hearings could be held to exclude them, will nevertheless be granted standing.

I referred in the committee, and it's worth referring to it again briefly at this point in time, to the manual of practice which was put out by, as it was then known, the Department of Justice and Attorney General in February, 1972, after we had passed the statutory powers procedure bill, the statutory amendment bill, the judicial review procedure bill and the various bills which were to implement by way of procedural safeguards the basic recommendations of the McRuer commission. The problem was simply not the desire of any particular board that was set up to exclude anybody, but the fact that, on

proper objection being made, it might very well be they had no other alternative. The bill, as it was drafted when we went into committee, was such as it would appear to be arguable on a very sound legal basis that bodies such as the Canadian Environmental Law Association, Pollution Probe and others could be excluded and not have standing before the committee.

I suppose it is trite law that the first thing a tribunal has to do before it starts into any hearing is determine who has standing and who are the parties to the procedures. I'm going to refer again to this pamphlet or manual of practice of which Mr. Mundell was the author. I think it's an exceptionally fine statement of what we endeavoured to do by the implementation of those statutes to which I referred. He has these things to say at pages 8 and 9—and I'm not purporting to read into the record the whole of the portions—in that portion of his article related to parties:

It is essential in the interest of justice that all persons who may be affected or aggrieved by the decision of a tribunal have an opportunity to take part in the hearing in order to ensure that they may present their cases in protection of their interests.

To the extent that is an accurate statement of the present position in the Province of Ontario, which I believe we are changing in this bill, the limiting terms are that all persons who may be affected or aggrieved by the decision of the tribunal have an opportunity to take part in the hearings. I think it is fair to say that in the section as it was drafted before we discussed it in committee that could have been an effective exclusion of the public interest bodies to which I have referred or an effective exclusion of an individual citizen, if he were not within the class of persons who might be affected or aggrieved. The point is further emphasized by Mr. Mundell as he goes on later:

It is proposed that future statutes and existing statutes that are revised to require a hearing will specify who are the parties to each hearing as far as this is practicable.

He refers to the Liquor Licence Review Board under the Liquor Licence Act where it states: "The director, the applicant, or licensee and such other persons as the board may specify are parties to the proceedings before the board under this Act.

If the board considers that a person other than the director or the applicant or



licensee has a direct and immediate interest that will be affected by the decision of the board, it may and should specify such person as a party to the proceeding.

I again emphasize the limiting effect of the use in law of the terms "a direct and immediate interest" as delimiting those persons who might be entitled to claim standing. He goes on further and says:

Where a statute does not specify the parties, they are to be determined under the law as it existed before the enactment of the Act. The general principle is that any person who will be directly affected by the decision of the tribunal is entitled to be a party and should be recognized as such by the tribunal.

Undoubtedly, in many cases no difficulty might arise; there might very well be a number of cases in which no difficulty can arise.

In the committee, we did enlarge the definition of persons who would be entitled, subject to being specified by the board, as having an interest. We have said that the persons who are to be parties to the proceedings are the proponent; secondly, any person other than the minister who has required the hearing.

Thirdly, we have divided it into two subclasses: "Such other persons as the board in its opinion specifies have an interest in the proceedings," which is in accordance with the limitations which have been expressed in the article to which I referred, by Mr. Mundell; and the second subclass covers such persons as the board, having regard to the purpose of this Act, may specify.

I emphasize again—it's why I introduced the amendment to section 2, which has been stacked and perhaps may even now at this late date, be passed—the purpose of the Act is designed, in my understanding and I want the minister's confirmation of this, to ensure that public interest bodies may, if specified by the board—and the board acting in good faith would specify them—it would then be open to those public-interest bodies to be recognized as being parties to the proceedings. They could therefore carry out the mandate which they have as public-interest persons concerned about the environment, which has led to their original establishment. I would appreciate the minister's confirmation of my understanding of that change which we made in the committee.

**Mr. Chairman:** Does the member for Huron wish to comment before the minister replies? The hon. minister.

**Hon. W. Newman:** Mr. Chairman, under section 12 I think the reason for the amendment we made was that all persons appearing should be parties to the hearing. That's really, I think, what you are asking for.

**Mr. Chairman:** Shall section 12 carry?

Section 12 agreed to.

**Mr. Chairman:** Any other comments, questions, criticisms or amendments to any other section of the bill?

**Mr. Burr:** Section 18.

**Mr. Renwick:** I have no comment until section 18, Mr. Chairman.

**Mr. Chairman:** Section 18, the hon. member for Sandwich-Riverside. We deem to have carried the sections up to 18?

Sections 13 to 17, inclusive, agreed to.

On section 18:

**Mr. Burr** moves that section 18(1) be amended by adding at the end, "and shall not be members of the Legislature".

**Mr. Burr:** The section would then read:

A board to be known as the Environmental Assessment Board is established and shall be composed of not fewer than five persons who shall be appointed by the Lieutenant Governor in Council and shall not be employed in the public service of Ontario in the employ of any ministry and shall not be members of the Legislature.

I think the reason does not need expansion. This, of course, is in line with the recommendations of the Camp commission.

**Mr. Chairman:** Does the hon. member for Riverdale wish to speak on this section?

**Mr. Renwick:** Mr. Chairman, I have no further amendments to submit on this section. I would, of course, support the amendment by my colleague, the member for Sandwich-Riverside. Perhaps, I could make the two brief comments I want to make on the balance of the section.

I may say that since the deliberations of the resources development committee I have tried again to consider whether or not I should move at this time to delete the privative clause in section 18—that is, subsection 19, of section 18—which excludes judicial review by the courts.

Certainly there was no question when we went into the committee that it was absolutely essential that that clause be deleted. There was no protection for the citizen or



for those who were before the Environmental Assessment Board that they would have the benefit of even the principles of natural justice with respect to the hearing and the right to cross-examine, the right to present their case and to be fairly heard.

In the way in which subsection 12 of section 18 was drafted as we went into committee, taken and read together with subsection 20 of section 18 it meant that for practical purposes the Environmental Assessment Board could act as arbitrarily and without due regard to procedural safeguards and procedural protection of persons as they saw fit to do so. It would be extremely difficult for any aggrieved person to get the matter before the courts on the question of whether or not the principles of natural justice had been heard.

In committee, it was the member for Prince Edward-Lennox (J. A. Taylor) who introduced the amendment which altered subsection 12 of section 18, and we all breathed considerably easier when we knew that the Statutory Powers Procedure Act is going to apply to the procedures which are established by the Environmental Assessment Board. At least that is my reading of the amendment to subsection 12 of section 18, which was accepted by the committee. Therefore, together with the correlative enforcing clause of subsection 20 of section 18, it appears to me there will be adequate opportunity for hearing.

This lead me to ruminations since the committee rose from its deliberations on this matter. I am inclined to think that I am prepared not to move the deletion of the private clause. I want to make certain that board is vested with the kind of authority and the kind of power which it has and which will enable it to get on with the environmental assessment hearings which are its responsibilities. These, of necessity, will be extremely complex and extremely time consuming in most instances of the kind of major undertakings to which it is going to apply.

I assume that the clause, in fact, effectively does exclude the courts from reviewing these matters, but I assume that because the Statutory Powers Procedure Act will apply the basic protections to ensure the fairness and the adequacy of the hearing will be fulfilled. I am ambivalent about it, because as a lawyer I tend to think that the reserve authority of the court to review the kind of statutory powers without substituting their views for those of a duly constituted ad-

ministrative tribunal such as this, should be preserved for the protection of the public.

I think, however, in the interests of seeing that these proceedings proceed expeditiously and because of the long drawn out nature of many of them, that I simply want to express my ambivalence, if you will, but also put my concern on the record as to the reasons for the privative clause remaining in the bill. Anyone who reads the balance of the article by Mr. Mundell, to which I referred earlier, in the portions where he refers to the Judicial Review Procedure Act, will see that in a sense it's all part and parcel of one matter.

I am constrained to say—and I haven't had the opportunity, due simply to the pressure of time, to go and sit and listen to the hearings before the Environmental Hearing Board with respect to this vexed question of the lead pollution and Canada Metals and Toronto Refiners; I haven't had that opportunity; what I have been dependent on is what I have read in the press—I think that the board, such as the board that we are setting up, has got to not only have the powers, but be sufficiently sensitive to abuses by parties before it of the procedures which it is going to establish. They are going to have to be kind of tough about the matter, because you can't have the kind of abuse which appears to have taken place before that board continue if we are going to accomplish the purposes. So, with that equivocation on my part, I am going to say that at this particular point in time. I am not going to ask that subsection 19 of section 18 be deleted, and I am not going to ask for it because of the willingness of the ministry to accept the amendment to subsection 12 of section 18, which was proposed by the member for Prince Edward-Lennox.

**Mr. Chairman:** The hon. member for Huron.

**Mr. Riddell:** Mr. Chairman, the amendment by the member for Sandwich-Riverside was proposed in the standing committee and I thought the minister had accepted this amendment. I know that I also supported the amendment by the Environmental Law Association suggesting that no member who had been in the public service for the previous two years would be permitted to sit on the board.

The committee felt this was being a little discriminatory, and I would be inclined to agree after giving it second thought, but I have been informed that the Liberal caucus here has recommended for years now that no sitting member of the Legislature be ap-

pointed to boards, and the Camp commission report stated that no sitting member of the Legislature should sit as a member of an administrative tribunal or board. Again, I thought the minister agreed to this when we discussed this in standing committee. I might be wrong, but I am sure if he didn't at that time he will at this time, and I certainly support the amendment.

**Mr. Chairman:** The hon. minister.

**Hon. W. Newman:** Mr. Chairman, I can't support the amendment under section 18(1) because I feel we have some very competent MPPs in this Legislature. I also feel that it's government policy at this point in time. I can't accept that amendment. I do appreciate the comments of the member for Riverdale on section 18(19) about the need perhaps to leave it in at this point in time. With the amendments we made to section 18(12), I believe, which cleared up a lot of the problems, we feel that section 18(19) should stay in. But as far as the amendment from the member for Sandwich-Riverside is concerned, I can't accept that.

**Mr. Chairman:** The hon. member for Sudbury.

**Mr. M. C. Germa (Sudbury):** Mr. Chairman, I take it from the minister's response to the amendment put forth by the member for Sandwich-Riverside that he is in fact thinking of appointing backbench Tories to this board. Now, why doesn't the minister come right out and say that's who he's going to stack the board with? Why fiddle and faddle around and tell me about all of the abilities these people have? I can judge that for myself because I'm sitting here watching them every day. That's not what we're talking about.

**Mr. Burr:** How can you watch them when they're not here?

**Mr. Germa:** I watch them downstairs. That's where their true wisdom comes forth.

**An hon. member:** Sometimes.

**Mr. Germa:** The Camp commission has recommended that elected members, if they do their job properly, just don't have time to go out moonlighting on this particular kind of an adventure. You know the criticism your government has come under on account of this patronage—and I call it nothing more than patronage; it's Tory patronage of the rankest order.

**An hon. member.** Right.

**Mr. Germa:** Camp has recommended you get away from that kind of business. Now why don't you act decently and accept the amendment, or else come out and say, "I'm going to stack it full of Tories"? It's certainly not going to be stacked with elected members from this side of the House. There's no other board, commission or anything else that's got one opposition member on it. If you're looking for ability, there's lots of it over here. But you don't choose to see it. You see all the ability behind you. I'm familiar with those mossbacks over there. My God, some of the appointments you guys have made are sickening.

You're going to ruin the whole impact this legislation might have by a simple thing like that. It will lose credibility. It's strictly another Senate for a bunch of Tories who can't get into the other Senate.

**Mr. Riddell:** They won't have a chance to stack it after the next election.

**Hon. W. Newman:** Mr. Chairman, I really can't let it go by to say that I'm going to stack the board or that it's going to be stacked. This board will be carefully thought out, like the present Environmental Hearing Board; we have excellent people on that board at this point in time.

I'll tell you this: The Environmental Assessment Board will require a lot of technical expertise and a lot of capable people on it, and I can assure you there has been nobody allocated yet. Some of the members of the former Environmental Hearing Board certainly will be considered for it because they've been working on it for some time. But it says "not less than five" in the bill, and I would assume that with the number of hearings coming forward, there will be a great deal more.

At this point in time we have one member on the Environmental Hearing Board who is a very respected member of this government, and who does a very fine job on the Environmental Hearing Board. I believe there is only the one member on that board.

I'd just like to make the record clear that there's going to be no stacking of it. You're going to have very competent people like we have on the Environmental Hearing Board, who've done an excellent job on behalf of the Province of Ontario. Now that we're moving on the Environmental Assessment Board, I'm sure that we'll have equally competent people there.

**Mr. G. Samis (Stormont):** You're going backwards.



**Mr. Germa:** Mr. Chairman, would the minister just reflect back a few months and consider what happened to the Ontario Northland Transportation Commission as a result of these Tory patronage appointments?

**Mr. Samis:** Shameful.

**Mr. Germa:** You almost ruined a viable railway. You almost ruined the system with those kinds of appointments. Why don't you get off and back away from that kind of stuff? All the wisdom in the world isn't in those backbenches, not at all.

**Mr. G. Nixon (Dovercourt):** A lot of it is.

**Mr. Germa:** I'll have no faith in this board if you stack it with those kinds of people, after the evidence that is on the record, particularly with regard to the Ontario Northland Transportation Commission.

**Hon. W. Newman:** Mr. Chairman, we don't stack any boards on this side of the House; and if we did put a member on it, I can tell you there's a great deal of talent on this side of the House. If you haven't recognized that by now, you'll find out when the next election comes.

**Mr. Germa:** It is not shown.

**Mr. Chairman:** Does anyone else wish to speak to this amendment? The hon. member for Windsor West.

**Mr. Samis:** Stormont.

**Mr. Chairman:** Stormont. I'm sorry; my apologies.

**Mr. Samis:** Mr. Chairman, I would like to ask the minister why he feels it is necessary to have any government appointees on this board in the first place?

**Hon. W. Newman:** I didn't say it was necessary, but I wasn't going to preclude them from it.

**Mr. Samis:** Why don't you accept the Camp report recommendations and its philosophy?

**Hon. W. Newman:** Mr. Chairman, I don't want to get into any long controversy on this. I said I didn't necessarily say they would but certainly we have some very competent people who have served on boards and commissions in this province and we are very proud of them. I don't want to preclude anybody who has ability from serving on this board.

**Mr. Chairman:** The hon. member for Riverdale.

**Mr. Renwick:** Mr. Chairman, I think this is an appropriate time for me to make a comment separate and distinct both from the amendments and from my other comments on this section. It is of concern and I don't know what the answer to it is.

This is the question of persons who do have standing, who are made parties to the hearings, having the financial resources to carry out the kind of effective presentation before the board and the background work and study which would be necessary in order to present effectively perhaps the contra case before the board in the case of a major undertaking being considered from the viewpoint of its environmental assessment.

I was not in the committee at the particular point in time when the discussion about this question of funding came before the committee. I understand from what my colleague, the member for Sandwich-Riverdale, and others have said to me there was a substantial degree of sympathy among the members of the committee, regardless of their particular parties, that this was a problem.

I don't believe that Mr. Justice Osler's report on the Legal Aid Act and whether or not groups or bodies with a public interest could establish their right to obtain a legal aid certificate through the Legal Aid Plan in order to defray the costs even of advocacy before the board in the presentation of their case, goes that far. Of course, we haven't seen any amendments which would extend the legal aid system that far.

Even if that were so I doubt very much if it would meet the basic problem and that is the funding which would be necessary to do the background study, the analyses, the interpretation and the work which would be required to present effectively opposing views to the board. We have had so many cases of this before boards and tribunals that I think I need only refer to one.

It was the result of intervention by the member for York South (Mr. MacDonald), some years ago, when the hon. John Robarts was Premier of Ontario, that the government finally got to the point of making interventions with respect to Bell Canada rate increases. It did so with the full knowledge and understanding that any public interest group—be it the Consumers' Association of Canada in its Ontario section or the Consumers' Association of Canada generally—is unable to make the kind of presentation to



counter effectively—let alone understand—the complex presentations made by Bell Canada in Ottawa before the federal board which has jurisdiction over the rates which it charges.

It does seem to me that the minister in his statement—I shouldn't say his statement; he is reported to have said outside the Legislature that the cost of an environmental assessment for a major industrial or public undertaking might very well be in the neighbourhood of one per cent or even as high as two, three or four per cent of the overall cost of the project. If you are talking about funds of that magnitude it would appear to me that underlines very clearly the extent to which public interest bodies or persons specifically interested or affected by the hearing which is going to take place are going to be at an immense disadvantage if there is not some method by which they can be funded in order to provide for assistance.

I doubt very much if it is of necessity limited only to this particular Act. A major area, of course, is this Environmental Assessment Board and I do not think for a moment that the general revenues of the Province of Ontario, through the Legal Aid Plan, should be used for that purpose. It does appear to me that if the government does establish an Environmental Hearing Board and provides access to that board by members of the public who have a legitimate interest in appearing before it, where the government is dealing with complex technological processes and gigantic undertakings in a province of this immensity and recognizes it, then the government is going to have to face up to providing authority in the board in a proper case to permit the funding of parties to the hearings for the purpose of enabling those parties to carry out their legitimate function to be established under this Act.

I would move an amendment similar to the amendment proposed by the Canadian Environmental Law Association, except I'm not certain that that is the appropriate and proper way in which it should be done. It does seem to me, when a proponent puts forward a plan to conduct an environmental assessment with respect to an undertaking which it is considering carrying out, that it may well be that in due course the minister is simply going to have to say that at the time of doing so—after an initial assessment of what it is proposing is before the minister—the minister, or the minister by direction to the board, should direct the board to have a hearing to determine the extent to which the proponent should be required to bear

the cost of funding those bodies which will be granted standing at a hearing to determine whether or not that undertaking should or should not go forward because of environmental requirements.

We are talking obviously about substantial sums of money, not only with respect to the undertaking, but with respect to establishing any reasonable fund to enable persons with standing to carry out their proper function. It seems to me it is a legitimate part of the cost of the undertaking. It seems to me the board should have the discretion at some point to require the proponent to deposit with the board for apportionment among those persons who have been granted standing as parties to the hearing, a fund sufficient to meet their reasonable costs. Otherwise, I don't really believe that any of the bodies, regardless of how legitimate their public interest and how legitimate their concern about the protection of the environment, can fulfil their function in any way unless they've got the funds to do it. It's an expensive problem. I would be anxious to hear what the minister feels in the light of I can't say complete sympathy—a sense of general sympathy, as I understand it, among the members of the committee that this was a serious problem.

**Mr. Chairman:** Before the hon. minister responds to the hon. member for Riverdale, it was my thought that perhaps you were going to speak to the member for Riverdale's amendment. Perhaps I could put the amendment to the committee at this time and then the minister can respond to your comments.

**Mr. V. M. Singer (Downsview):** What is the amendment? Could you read it?

**Mr. Chairman:** I shall read the amendment again. Mr. Burr moves that section 18, subsection 1, be amended by adding at the end of the section "and shall not be members of the Legislature."

**Mr. Singer:** On a point of order, you are not carrying the whole section?

**Mr. Chairman:** No, we're just carrying subsection 1.

**Mr. Singer:** You'll carry the other amendment a little further on?

**Mr. Chairman:** That's right. Subsection 1 is all we're carrying at this point.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the "nays" have it.

Shall we stick this amendment?

Agreed.

**Mr. Chairman:** Does the hon. minister wish to respond to the comments of the hon. member for Riverdale?

**Hon. W. Newman:** He was talking about funding for the interveners. We discussed this at some length in the standing committee downstairs. At this point in time, we're not prepared to fund the interveners. We will be watching with a great deal of interest the Porter commission which will be studying Hydro's long-range plan, where there will be some funding available for the Porter commission. At this point in time we will not be funding the interveners under this section of the Act.

**Mr. Chairman:** Does the member for Downsview wish to comment on section 18?

**Mr. Singer:** I want to talk about subsection 19 of section 18, the privative clause.

**Mr. Burr:** The minister stated that he would be prepared to take a look at this in about a year's time, right?

**Hon. W. Newman:** In a year.

**Mr. Singer:** He's not going to be here in a year's time.

**Mr. Burr:** Well, assuming he is.

**Mr. Riddell:** He will be here, but he won't have a say.

**Hon. W. Newman:** Assuming you will be. I just feel sorry for you. That's all I've got to say about you. The member has a riding that is kind of cut up a bit.

**Mr. Stokes:** He was pointing at the member for Downsview.

**Mr. Chairman:** Perhaps we can get back to subsection 19.

**Hon. Mr. Newman:** May I just comment: Let's have a look and see how the act works before we talk about any sort of funding.

**Mr. Chairman:** The hon. member for Downsview wishes to speak on—

**Mr. Singer:** On subsection 19, yes.

**Mr. Chairman:** We assume that the sections have carried up to subsection 19.

**Mr. Singer:** What were you saying about my cut-up riding?

**Hon. W. Newman:** I didn't say a thing about that. I was just saying that section 19—

**Mr. Stokes:** You said you felt sorry for him.

**Mr. Singer:** I thought you wanted to come and run as a Tory candidate in Wilson Heights, because we'd welcome you. The Tory organization there hasn't produced even a name yet. They are looking hard and they'd accept you, I'm sure.

**Mr. Chairman:** Order.

**Hon. W. Newman:** Just be a little careful. When he or she comes along, you better watch it.

**Mr. Singer:** I'm certainly ready.

**Mr. Chairman:** Order, please, does the member want to speak on subsection 19?

**Mr. Singer:** Yes I do, Mr. Chairman. Is that all right? Thank you. Mr. Chairman, I don't think subsection 19 should be there. It's a privative clause. I happened to be present at the committee when Mr. Landis was giving certain opinions. The minister sort of dropped out of the corner of his month the thought that he was very kind because he wasn't plugging up a loophole which would take the thing entirely out of the courts.

I was very fascinated really by the references of Mr. Landis to two cases—Fraser and Pringle, which is a Supreme Court of Canada case; and Anisimic and the Foreign Compensation Commission, which is a House of Lords case in England. I was sufficiently intrigued by the theories of law put forward at that time to have a look at both of those cases.

Before I deal with those cases particularly, Mr. Chairman, I thought I would say this. I don't think it sits well with the government of Ontario to write a privative clause into anyone of its statutes. I think that's the sort of thing we were worried about when James Chalmers McRuer embarked on his civil rights investigation.

The legislation that flowed from his report more or less indicated that there be remedies. We have a Statutory Powers Procedures Act and we have a Judicial Review Act, and we have all those other statutes. There was a bit of a discussion about a clause in this statute eliminating the provision of the Statutory Powers Procedures Act. Interestingly enough, the phrasing of that clause was changed on an amendment moved by a Conservative member. The minister supported his own member in that suggestion. I think that was good and I think the minister should take a step further and eliminate subsection 19, and not tell us that



he was generous in not plugging the loophole, because I don't think there was any such loophole to be plugged.

Let me get a little technical about the legal interpretation. Fraser and Pringle dealt with the Immigration Appeal Board. If that case is read carefully, the judgement of Chief Justice Laskin clearly talks about the federal government creating a court of record. This is the first question I put to the minister. Is there any power in the Province of Ontario to create a court of record? I suggest there isn't. So that at that point the applicability of the Fraser and Pringle case to the situation in hand seems to disappear.

The second point that I put to the minister is this: Chief Justice Laskin talks about the possible impropriety of having a review of jurisdiction made by a senior or a superior provincial court, when the jurisdiction, in fact, can be reviewed in last instance by the Supreme Court of Canada, and the possibility that both those courts may do that review and come out with different decisions, which again is a very different thing. If the minister will look carefully at the statute that establishes the new Immigration Appeal Board, he will see that an appeal lies from that, in the final instance, to the Supreme Court of Canada and in the first instance, to the Federal Court. We are comparing apples to oranges—or at least the minister's legal advisers are attempting to compare apples to oranges.

So, we go back again—and it was no great move of generosity that there was no legal loophole being plugged, because to do what the minister thought he might be able to do, or what was indicated to him he might be able to do, to plug the legal loophole and prevent anybody going to the courts, he would have had to do two things; first, he would have had to have the power to create a court of record, and second, he would have had to have the power to take an appeal from this board all the way to the Supreme Court of Canada. Neither of those things is done or purported to be done, and I suggest probably there isn't the power to do them in this statute.

All right. I don't think we should be given any gratuitous gifts, Mr. Chairman, and I don't think that in today's approach to these matters the writing in of a privative clause such as subsection 19 of section 18 really has any meaning.

Let me deal very briefly with the House of Lords case, and I suggest that was another red herring dragged across the trail in an effort to bolster an otherwise unsupportable

case. Let me tell you, with respect to that decision, that it related to whether or not a particular error was an error of jurisdiction. In separate judgements in that case, the law lords extensively reviewed authorities and established a very wide scope for potential jurisdictional errors.

This, of course, was not the matter to which the Supreme Court directed itself in the Pringle case. It would have been inappropriate for Mr. Justice Laskin or any of his brothers on the bench to have commented on the House of Lords case in Fraser and Pringle. So that, again, there was an attempt to compare incomparables. I may particularly point out to the minister, Mr. Chairman, that on page 827 of the Laskin decision in the Pringle case there is this comment—and I think it puts the thing in absolute clear perspective. The Chief Justice says:

The effect of legislation in the present case cannot be tested by principles derived from cases interpreting privative clauses, nor even by viewing particular legislation as providing a yardstick of preference where the whole tribunals had concurrent jurisdiction. And I do not find it necessary to review other cases.

That makes it quite clear, and it is also quite clear if you read Mr. Justice Laskin's decision—and it's not a long decision; it's not a complicated one—that he was talking about something entirely different. He was talking about something entirely different. So for all those reasons I don't think we should accept any gifts from the minister about plugging loopholes or not plugging loopholes. I think it would only make good sense if we removed the privative clause.

Let the minister not worry about people attempting to assert their rights before the appropriate judicial tribunals of this province. I think their rights will be well looked after if there is no effort to attempt to remove the usual remedies, the prerogative remedies. Remove that clause, Mr. Chairman. Let's not invite all of the people who want to assert their rights to enter into long and complicated and expensive litigation, which a clause like this does.

Granted, it perhaps relieves the ministry of some of the challenges that might otherwise be brought, but I don't think it is a good service to the people of the province when the attempt is made. I don't think the legal attempt is sufficient to take this out of the court; and I would rather not see that clause in. So I am not going to move an amendment, Mr. Chairman, but I don't think



subsection 19 should be included as a section of this statute.

**Hon. W. Newman:** The only comment I would make, Mr. Chairman, is that we have talked this out quite clearly. We are talking about—certainly you're partly right; it prevents review on certain grounds but not on jurisdictional grounds. There is recourse to the courts, as you know, on jurisdictional grounds under this section; that's why we would like to leave it in.

**Mr. Singer:** Mr. Chairman, with great respect, the minister's briefing wasn't long enough. He should go back and get briefed again. We did not talk it out at all. Some of us here—certainly the member for Downsview—are not able to keep up to date from moment to moment with all the latest decisions of the Supreme Court of Canada and the House of Lords.

However, I think I have enough sense to go to these decisions once they are mentioned and to determine whether or not, in my opinion, they are applicable to the context in which they are used. I have told you I've gone to those cases; I've quoted you portions of those cases.

This opportunity was not available to me at the time this came before the committee. For the minister to suggest that the matter was fully talked out before, I think, is quite incorrect. I suggest my interpretation deserves at least as much consideration as the opinion which the minister was given. I suggest it is not an idle interpretation; it is an interpretation based on some knowledge of the law by myself and by others. I would be quite prepared to stack it against the minister's advisers at any time.

What I am urging the minister to do is to avoid the temptation his advisers have put in front of him of inviting the public to stay away from the courts or, if they do want to go to court, to go to court at their own peril and at their very substantial expense: I say it does not befit the government of Ontario to attempt to erect this roadblock, as phoney as it might be, because I say it is a phoney roadblock. The courts will not support it for the reasons I outlined earlier.

I would again urge the minister, therefore, to eliminate subsection 19 from this section.

**Hon. Mr. Newman:** Mr. Chairman, I should like to comment further. This really should not become a legal argument. We want to have a workable procedure which will not grind matters to a halt through legal wrangling, something I said in the committee—

**Mr. Singer:** You are inviting.

**Hon. W. Newman:** —which more than likely would be the result of opposing lawyer's advice. This has been accepted by some of my friends on the other side of the House over there even as late as today so I can't see removing subsection 19 at this time.

**Mr. Chairman:** Shall subsection 19 carry?

**Mr. Singer:** No.

**Mr. Chairman:** All those in favour of subsection 19 carrying, please say "aye".

All those opposed, please say "nay".

In my opinion the "ayes" have it.

**Mr. Singer:** Stack it.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): What do you mean, "stack it"?

**Mr. Chairman:** You didn't make any motion.

**Mr. Singer:** I don't have to.

**Hon. Mr. Grossman:** Who stood up?

**Mr. Chairman:** Subsection 19 is carried.

**Mr. Singer:** No. Surely, Mr. Chairman, when you call for the ayes and nays if, in your opinion, the "ayes" have it and if five of us stand, you have to have a vote on it.

**Mr. Chairman:** Five of you didn't stand.

**Mr. Singer:** Surely? All right, we've got five here.

**Hon. Mr. Grossman:** They all did it half-heartedly.

**Mr. Chairman:** I would have to say to the member for Downsview, I think the chairman did it legally and fairly. I asked if subsection would carry and I heard the member for Downsview say "No."

**Mr. Singer:** Yes.

**Mr. Chairman:** I asked for the "ayes" and "nays."

**Mr. Singer:** That's right.

**Mr. Chairman:** In my opinion, the "ayes" had it.

**Mr. Singer:** All right and five members having stood, there should be a vote.

**Mr. Chairman:** No five members stood and the section was carried.

**Mr. Singer:** Certainly there were five members who stood. There are five members standing now.

**Mr. Chairman:** They are now but they weren't at that time. At the time the section was carried, there wasn't a member standing in the House.

**Mr. Singer:** That is improper. I appeal your ruling, Mr. Chairman. Now we call in all the members, eh? I appeal your ruling.

**Hon. Mr. Grossman:** You are not really very helpful.

**Hon. J. White (Minister without Portfolio):** You have made your point. It is recorded forever.

**Mr. Singer:** The simple thing is to stack it with the others and we will vote on it when the other amendments are up.

**Mr. Chairman:** This chairman has nothing before him to stack.

**Mr. Singer:** Th's is whether or not the section or the subsection carries.

**An hon. member:** Stack it.

**Mr. Chairman:** I did.

**Mr. R. G. Eaton (Middlesex South):** You are slow to challenge—

**Mr. Chairman:** The member for Downsview has challenged my ruling. All those in favour of the chairman's ruling, please say "aye."

All those opposed, please say "nay."

In my opinion the "ayes" have it.

**Mr. Singer:** We stand up again then.

**Mr. Chairman:** Call in the members.

**Mr. Singer:** We can stack that vote.

**Mr. Renwick:** You can't stack appeals.

**Mr. Chairman:** You can't stack the chairman's ruling.

**Mr. Singer:** But your ruling was wrong.

**Mr. Chairman:** In your opinion, it was wrong.

**Mr. Singer:** That's right.

**Mr. Chairman:** In the opinion of the House, it wasn't wrong. Let's find out.

The committee divided on the chairman's ruling which was upheld by the following vote:

**Mr. Chairman:** Order, please. The chairman's ruling has been challenged on section 19 of the bill.

The committee divided on the chairman's ruling, which was upheld on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 53, the "nays" are 20.

**Mr. Chairman:** I declare the chairman's ruling upheld and section 19 carried. We have some stacked votes. Are the members prepared to deal with them at this time?

Agreed.

**Mr. Chairman:** We will now vote on Mr. Renwick's amendment to section 2.

The committee divided on Mr. Renwick's amendment which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 12, the "nays" are 61.

**Mr. Chairman:** I declare the amendment lost and section 2 carried.

Section 2 agreed to.

**Mr. Chairman:** We will now vote on Mr. Renwick's amendment to section 3.

The committee divided on Mr. Renwick's amendment which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 32, the "nays" are 41.

**Mr. Chairman:** I declare the amendment lost.

Section 3 agreed to.

The committee divided on Mr. Burr's amendment to subsection 1 of section 18, which was negatived on a stacked vote, the same count as the first vote.

**Mr. Chairman:** I declare the amendment lost.

Section 18 agreed to.

**Mr. Chairman:** Does any member wish to speak on any other section of the bill?

**Mr. Riddell:** Section 29, Mr. Chairman.

Sections 19 to 28, inclusive, agreed to.

On section 29:

**Mr. Riddell:** Section 29 was discussed in some detail in standing committee. One

could have mixed feelings on this particular section, but it is my feeling that any person should be entitled to apply for an injunction if he sees that a developer is proceeding with an undertaking that is in any way in contravention of the Act.

As the Act is presently written, it is only the minister who may apply to the divisional court if, indeed, an undertaking is proceeding in contravention of the Act. I feel in many cases that there would be concerned people who might be following the undertaking fairly closely and would find, somewhere along the line, that such an undertaking was in contravention of the Act. To my way of thinking, that person should be able to apply for an injunction to have the undertaking stopped until such time as it was proven that what the developer was doing was not in any way in contravention of the Act.

Mr. Riddell moves that section 29 be amended to read as follows:

The minister or any person, in addition to any other remedy and to any penalty imposed by law, may apply to the divisional court for an order.

Mr. Riddell: Again, I do not feel that it should be left entirely to the discretion of the minister as to whether an undertaking contravenes the Act. I can probably quote examples where interested parties have indeed made a study of the undertaking themselves and feel that the undertaking is proceeding and in some way contravening the Act, and yet this same person has no recourse. He can't apply to the divisional court; he can't apply for an injunction to stop the undertaking until such time as it is either proven to be in contravention of the Act or otherwise.

I know the minister is going to get up and he is going to say that this particular party, or a competitor to the company that is undertaking the development, could stall this thing for a number of months. My question is: Is there no penalty for applying to the courts vexatiously or frivolously? It is certainly going to be a costly procedure, in my estimation, to apply for an injunction and go through the courts to stop something if, indeed, you have no justifiable reason for so doing.

I just feel that the minister has a little too much power, a little too much discretion here, and the public really has no recourse.

Hon. W. Newman: Mr. Speaker. I'm glad to see that the member used part of the

answer I just gave him, but I would like to clarify the matter a little more. An individual can lay a charge for a violation of the Act if the violation infringes any of the individual's common-law rights. Pollution frequently does have this effect. The individual has all his common-law rights in terms of getting an injunction. An interim injunction is not too difficult to get, as a rule. By the time you get to a full injunction, we could run into a situation where we would lose considerable valuable time. As I explained to the member opposite, it could be a competitor or an individual, although they have some responsibility in some cases, but these things can be done and could cause a great deal of delay. If every individual could apply for an injunction only to enforce the Act, it could cause a delay, as I've said before, of at least five or more months.

Mr. Chairman: All those in favour of Mr. Riddell's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the "nays" have it.

I declare the amendment lost.

Section 29 agreed to.

Mr. Chairman: Are there any other comments, questions or amendments to any other section of the bill? If so, to which section?

Sections 30 to 47, inclusive, agreed to.

Bill 14 reported.

## ENVIRONMENTAL PROTECTION AMENDMENT ACT

House in committee on Bill 15, An Act to amend the Environmental Protection Act, 1971.

Mr. Chairman: Are there any comments, questions or amendments to any section of the bill? If so, to which section?

Mr. Renwick: Mr. Chairman, I have no comments on any sections of this bill.

Bill 15 reported.

## ONTARIO WATER RESOURCES AMENDMENT ACT

House in committee on Bill 16, An Act to amend the Ontario Water Resources Act.

Mr. Chairman: Are there any comments, questions or amendments to any section of Bill 16? If so, to which section?



**Mr. Renwick:** Mr. Chairman, I have no comments on any section of this bill.

Bill 16 reported.

Hon. Mr. Newman moves the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report three bills

without amendment and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler** (Chairman Management Board of Cabinet): Mr. Speaker, I think I feel a general consensus that we would be satisfied to call it 6 o'clock and to resume at 8 o'clock.

It being 6 o'clock, p.m., the House took recess.

## CONTENTS

**Monday, July 14, 1975**

<b>Property taxes in West Carleton, statement by Mr. Meen .....</b>	<b>3951</b>
<b>Energy prices, statement by Mr. Timbrell .....</b>	<b>3952</b>
<b>Energy prices, questions of Mr. Timbrell: Mr. R. F. Nixon, Mr. Shulman .....</b>	<b>3952</b>
<b>Hydro rate increase, question of Mr. Timbrell: Mr. R. F. Nixon .....</b>	<b>3952</b>
<b>Utilization of federal housing funds, question of Mrs. Birch and Mr. McKeough: Mr. R. F. Nixon .....</b>	<b>3953</b>
<b>Bradley-Georgetown transmission corridor, questions of Mr. Grossman: Mr. R. F. Nixon, Mr. Gaunt .....</b>	<b>3954</b>
<b>Mortgage money, questions of Mr. McKeough: Mr. Deans, Mr. Renwick, Mr. Cassidy .....</b>	<b>3954</b>
<b>York University caterers, questions of Mr. MacBeth: Mr. Deans, Mr. Shulman .....</b>	<b>3955</b>
<b>Syncrude agreements, question of Mr. Timbrell: Mr. Deans .....</b>	<b>3956</b>
<b>Housing inspection for migrant workers, question of Mr. Grossman: Mr. Spence .....</b>	<b>3956</b>
<b>Egg board resignations, question of Mr. Grossman: Mr. Gaunt .....</b>	<b>3956</b>
<b>Police treatment of young man, question of Mr. Kerr: Mr. Singer .....</b>	<b>3956</b>
<b>Riot at Millbrook, question of Mr. Potter: Mr. Shulman .....</b>	<b>3957</b>
<b>Ontario Hydro building, question of Mr. Timbrell: Mr. P. Taylor .....</b>	<b>3957</b>
<b>Eviction of mobile-home owners, question of Mr. McKeough: Mr. Cassidy .....</b>	<b>3957</b>
<b>Processing plant strike, question of Mr. MacBeth: Mr. Ruston .....</b>	<b>3958</b>
<b>PC fund-raising activities, questions of Mr. White: Mr. Foulds, Mr. Sargent .....</b>	<b>3958</b>
<b>Hazardous substances in tap water, questions of Mr. W. Newman: Mr. B. Newman, Mr. Deans .....</b>	<b>3959</b>
<b>Union Carbide emission levels in Welland, question of Mr. W. Newman: Mr. Burr .....</b>	<b>3960</b>
<b>Bradley-Georgetown transmission corridor, question of Mr. W. Newman: Mr. Riddell ..</b>	<b>3960</b>
<b>Penetanguishene Hospital conditions, question of Mrs. Birch: Mr. Shulman .....</b>	<b>3960</b>
<b>Douglas Point generating station, question of Mr. Timbrell: Mr. Sargent .....</b>	<b>3960</b>
<b>Economic conditions, question of Mr. McKeough: Mr. Cassidy .....</b>	<b>3960</b>
<b>Cost-sharing programmes, question of Mr. McKeough: Mr. R. S. Smith ..</b>	<b>3961</b>
<b>Spencerville Park, question of Mr. Bennett: Mr. Samis .....</b>	<b>3962</b>
<b>Ottawa-Carleton detention centre, question of Mr. Potter: Mr. P. Taylor .....</b>	<b>3962</b>
<b>PC fund-raising activities, question of Mr. White: Mr. Foulds .....</b>	<b>3962</b>

---

Oil and gas prices, question of Mr. Timbrell: Mr. Sargent .....	3963
Loan sharking, question of Mr. Kerr: Mr. Shulman .....	3963
Non-Returnable Bottles and Cans Act, Mr. Gaunt, first reading .....	3964
Environmental Assessment Act, reported .....	3964
Environmental Protection Amendment Act, reported .....	3981
Ontario Water Resources Act, reported .....	3981
Recess .....	3982





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Monday, July 14, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JULY 14, 1975

The House resumed at 8 o'clock, p.m.

## INSURANCE AMENDMENT ACT

Mr. Drea, on behalf of hon. Mr. Handleman, moves second reading of Bill 144, An Act to amend the Insurance Act.

**Mr. Speaker:** The hon. member for Perth.

**Mr. H. Edighoffer (Perth):** Thank you, Mr. Speaker. I'd like to make a few comments on this amendment to the Insurance Act.

Because we have so many followers of Hansard, I thought it might be wise to read the explanatory note just before the remarks on this discussion, and the explanatory note states as follows:

The amendments permit the establishment of a fire mutuals guarantee fund establishing a trust fund to which insurers carrying on business on the premium note plan may subscribe and contribute, and thereafter those insurers cease to issue contracts on the premium note plan and the fund guarantees ability of the insurers to meet their obligations.

I went back to the original Insurance Act, Mr. Speaker, just to make sure of the definition of premium note, and the original Act stated that a premium note means an instrument given as consideration for insurance whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer, but the aggregate of which sums does not exceed an amount specified in the instrument.

On checking with some members of the staff of some of the companies in Ontario, I found that discussions have been taking place for approximately three years to have such change come about, as they felt that this system of premium note was somewhat antiquated and probably hadn't been used to its full advantage for 30 years or so. I do not hesitate in supporting this legislation. But I did note that section 7, which, of course, contains the main content of the bill and is the section that sets up the fire mutuals guarantee fund also sets out the manner

in which this fund may be used. I am certainly in agreement with this idea of the fund because I am sure, as it states here, it is to be used for the purpose of satisfying claims by policy holders and—I hope that I understand it correctly—that it will not be used for keeping a company in business if it has financial difficulties.

I understand that there are 52 companies still in existence in Ontario. I don't know if there are any in Scarborough or not; maybe the parliamentary assistant could advise me to that effect. I understand that most of these companies are in agreement with this amendment.

However, in looking over section 7(2) I note that it says that the insurer may enter into an agreement. It doesn't use the word "shall." When we go on down to section 7(4), it states that the assets of the fund shall be maintained at no less than a book value of \$1 million. I hope if this legislation passes we don't find that only 15 of the 52 companies decide to enter into agreement under the guidance of the superintendent of insurance. At first glance it appears that "may" is the right word to use, but I wonder if it could in the future present some hardship in case all companies don't want to enter into an agreement.

The only other information I would like to have from the parliamentary assistant pertains to section 7(3). It states very vaguely that the fund may be used as directed by a board of trustees established under the agreement. I would like to hear from the parliamentary assistant who would make up the board of trustees. I hope that this board would include representatives of the mutual association and other active members in the mutual insurance companies.

We will support this amendment to the Insurance Act, Mr. Speaker. Again, I just wonder why this Act after three years of discussion was introduced one day and then the next day has to be passed.

**Mr. Speaker:** Does any other hon. member wish to take part in this debate? The hon. member for Wentworth.



**Mr. I. Deans (Wentworth):** You can appreciate, Mr. Speaker, I don't wish to take part because I must be quite honest with the parliamentary assistant, I don't fully understand the technical language of the bill. I don't often admit to that but I have to admit tonight. I read it, and not having had the opportunity to cross-reference it, frankly I don't understand it fully.

I would ask you to depart, Mr. Speaker, from the normal procedure and permit the parliamentary assistant to make some kind of comment about the content of the bill and its intent. If you would do that, then it wouldn't have to go to committee, I suspect. Maybe then if I have any questions, I might be permitted to ask them.

**Mr. Speaker:** Perhaps the member for Scarborough Centre might comment on this.

**Mr. F. Drea (Scarborough Centre):** I am in agreement with that, Mr. Speaker. If there is no other member who wishes to talk, I'd proceed on that basis now.

**Mr. M. Gaunt (Huron-Bruce):** I wanted to say a word about it, Mr. Speaker.

**Mr. Speaker:** Perhaps we might let the parliamentary assistant make a couple of comments and then we will go on with the debate.

**Mr. Gaunt:** The parliamentary assistant asked if there are other members who wish to talk on the bill.

**Mr. Deans:** Let's hear about it.

**Mr. Drea:** Mr. Speaker, I wasn't trying to cut anybody off. As long as it is all right with everybody—it is understood that I am not going to be the last voice, if they want to ask questions.

**Mr. Deans:** That's fine. The parliamentary assistant will have another chance.

**Mr. Drea:** No, I was thinking about the member.

**Mr. Deans:** I want the parliamentary assistant to have another chance.

**Mr. Drea:** Mr. Speaker, the purpose of this Act is really to bring into modern times and through the use of a modern type of contingency fund the farm mutual insurance companies of this province. In the beginning, the farm mutual insurance companies began as an instrument by which the farmer could obtain fire insurance in areas where the conventional or commercial insurance companies

were either not prepared to enter into the market or categorically refused.

As a means of protecting themselves against sudden and very calamitous claims against any one company, which their assets might not be sufficient to meet, they were required to enter into the system which has been in effect until this Act, which is the premium note. In effect, and the member for Perth has described it, a policy holder signed an obligation with the farm mutual insurance company that if the assets of the company which insured him were not sufficient to pay claims, he could be called upon to contribute to that company on the basis of the amount on the premium note.

**Mr. Speaker:** I think it's a matter of record that not since 1931 has any one of the companies been required or forced to call in a premium note. The obvious question is, why do they want to change? I think it's because rural Ontario is changing. A great number of people in rural Ontario are totally unaware that this system has been going on.

**Mr. R. F. Ruston (Essex-Kent):** Changing for the next election.

**Mr. Gaunt:** Changing for the better.

**Mr. Speaker:** Order, please.

**Mr. Drea:** Some of those members won't be there after September, but don't mind me.

**Mr. Ruston:** The member for Scarborough Centre will still have his farm.

**Mr. Drea:** Rural Ontario is changing, Mr. Speaker. There are a great number of people there now who are not conversant with this system of buying fire insurance?

The companies felt that in order to maintain their share of the market a contingency fund which would do what the premium notes would do would be a more equitable manner of protecting the policy holder if the assets of the company were not sufficient to pay all the claims required. At the same time, it lifts a very heavy cloud or a potentially heavy cloud from the person who is insured for fire, livestock or weather coverage with these companies because that premium note is a contingent liability. While it is all very well to say one hasn't been called in since 1931, nonetheless it is a contingent liability. Mr. Speaker, the companies decided that a modern approach to this would be a contingency fund.

I think it's fair to point out that in addition to the premium note protecting the various policy holders, there has also been

a farm mutual reinsurance fund which the member companies have subscribed to, as an intermediary form of protection, particularly in the field of weather insurance where everything over the first \$100 must be re-insured.

With this Act, the farm fire mutual insurance company will have the option. I want to dwell upon this for a moment because the member for Perth has expressed some concern. In fact, I think the essence of his remarks was that perhaps this contingency fund should be mandatory rather than optional. The difficulty is that once a company enters into and signs the trust agreement and becomes part of the fire mutuals guarantee fund, it is no longer in a position to accumulate its surplus to the point of \$1 million, where it could exercise its option to become a cash mutual insurance company. That is why we have left it optional.

If a company chooses to go on using the premium note as the method of protecting its shareholders against a loss which would be beyond its assets, it is perfectly free to do so. If the company decides it would rather go into the fund—I say to you, Mr. Speaker, all but one have indicated that they intend to go into the fund and are prepared to sign the trust agreement—once it enters into that trust agreement it can no longer exercise its option to become a cash mutual insurance company without the expressed consent of the superintendent of insurance.

There are a number of very valid reasons why. If we were to allow them to go on saying, "Yes, we will demand premium notes from our policy holders" and at the same time have the overall protection of the fund, their surplus would rapidly accumulate to the point of \$1 million.

They could exercise their right to become a cash mutual company. And, of course, the great benefit in becoming a cash mutual insurance company is that their lines of coverage would be broadened out to everything in property and casualty, whereas now, as most of the members know, the farm fire mutual insurance company is limited to fire, livestock, weather and automobiles—only in terms of fire. So there is an attraction to becoming a cash mutual insurance company if you can accumulate the surplus. And that is why we've left it optional. Some of these companies have passed over and become very successful cash mutual companies, and we don't want to deny them the right in the future to do that, if they choose now to stay under the premium note system.

By the same token, as you know many of these companies started with the minimum 10 people insuring themselves. We don't want to close the door to new farm fire mutual insurance companies being started in the Province of Ontario. And it is felt that as long as there is the option that in the beginning they can go the premium note system and then apply to become part of this fund, that we're not closing the door on new farm fire mutuals entering; nor are we closing the door on them, once they accumulate the mandatory \$1 million of a surplus, to becoming a full-fledged mutual insurance company. That is why we have left it optional.

Now, it is my understanding, with the exception of Canadian Millers' Mutual Fire Insurance Co., which really hasn't been part of these negotiations—it has been planning to become a cash mutual for some time—that the other companies all chose to go the contingency fund route. The reason for that is very simple. It's very difficult to explain to a potential policy holder, who is not familiar with the history and the background of this type of insurance company, as to why he must assume a contingent liability above and beyond the premium that he pays. It is also very difficult to explain to him how his dividend, because it is a mutual insurance company, does come back to him—but his dividend is not based upon that premium note. That is totally excluded. That is a contingent liability out here in right field.

Now, Mr. Speaker, one further thing. The member for Perth asked who would make up the board of trustees. That will be entirely from the companies. They will elect their own board—the people who sign the trust indenture. The superintendent of insurance, as you can see from the legislation, will supervise audit and has the right to call for reports. Indeed, the question was raised about spending some of this \$1 million to keep an unsuccessful company in business, or to prop it up—I think that was the suggestion. In essence, the superintendent of insurance will exercise extremely tight control over the fund.

Mr. Speaker, for the member for Wentworth, I can say to him that sections 1 through 7 are essentially housekeeping. Under the present Insurance Act there are specific sections in there which deal with premium note companies. All we're doing is adding to the premium note plan the fire mutuals guarantee fund. We're introducing that as housekeeping. That is sections 1 to 7.



Section 7 forms the basis of the amendments really, because it establishes the fire mutuals guarantee fund. It sets out the purposes of the fund; it set it out at \$1 million. I might say that the \$1 million is going to be raised two-thirds by the assets of the companies that enter, and one-third by the reinsurance programme. It provides that if there is a pay out, the member companies can be assessed to bring it up again to the book value of \$1 million. It controls the investment of those moneys.

Then there is subsection 5, which states that if the company itself would be placed in a precarious financial position because of the amount of the assessment, the total assessment will not be levied against the company.

We go on to subsection 8, which is a very significant section because it says that once a farm fire mutual company exercises its option, signs the trust agreement and enters into the contingency fund, it cannot continue to use the premium note without the express consent of the superintendent of insurance. I think I dwell on that before. It would be the best of both worlds.

Then, of course, subsections 9, 10 and 11 pertain to the actual operations of the fund.

One of the housekeeping amendments that may be of interest to the member for Wentworth is section 3(2)(1a). It will be noticed that a company that enters into the fire mutuals guarantee fund is exempted from sections 129 through 138 of the present Insurance Act. The reason for that is there are now restrictions upon the distribution of surplus and other operations of companies that are using the premium note plan. Again, it would have to be with the superintendent's express consent, and for a very unusual reason, that a company would be allowed to continue with the premium note plan while belonging to the fund, because they are exempted from a number of sections, particularly one section which deals with the payment of dividends and the distribution of surplus.

I would like to say one other thing. This does not in any way broaden the applicable coverage that the farm fire mutuals will be able to extend to policy holders. It will still be confined to farm, fire, livestock and weather; in no way does this extend the coverage to general casualty and property. There is some concern in some quarters that this is the thin edge for a number of new insurance companies. That is not the purpose of this Act.

Mr. Speaker, I think I have explained the bill in as much detail as I would hope would be of benefit to the members. If there are any further questions, or if I have skimmed over things a bit too quickly, why I would be prepared to answer them again.

**Mr. Speaker:** The hon. member for Wentworth.

**Mr. Deans:** I want to thank the member for his explanation. It's a lot better, because quite frankly I didn't understand that. It's a lot more technical than first meets the eye. The cross-references are important.

It seems to me, I must say, that in spite of this rather simple explanation, it's the kind of bill we should have had in committee only because I don't really understand the ramifications of the insurance business and I don't pretend to—and I doubt if many members of the House do.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Oh, I don't know about that.

**Mr. Deans:** I know one member of it who does, but then he earns half his living from it.

**Hon. Mr. Grossman:** It was \$500 last year.

**Mr. Deans:** I'm sorry. It was the member for St. Andrew-St. Patrick (Mr. Grossman) who I was talking about. But I'm not at all sure—

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Plus five per cent.

**Mr. Deans:** I would be guessing. Therefore I'm going to have to trust the—

**Hon. Mr. McKeough:** Hear, hear.

**Mr. Deans:** Oh, no, that really kills it. Now I know there is something wrong with it. I wasn't sure before but when the Treasurer says I should trust the government I know there is something wrong.

**Hon. Mr. McKeough:** No, the member.

**Mr. Deans:** No, it's the government. Frankly I have no way of telling. Did this bill go outside of the House in any form at all? What discussion took place?

**Hon. Mr. McKeough:** Three years.

**Mr. Ruston:** Three years ago.

**Mr. Deans:** No, I understand that aspect of it. What I am asking is whether the bill in its present form was discussed by anyone



outside the House with regard to the application as it has to be applied to the existing insurance operations?

Before the member gets up—I'll save him from bobbing up and down; I'll tell him when I'm finished—I want to know a little bit about how he arrived at the two-third asset, one-third reinsurance proportions for the raising of the \$1 million.

Also, in subsection 8 of section 7, what becomes of the insured in the event that there is, as there always is, a time lag between the time the insurer is notified and the insured gets his policy? It says, "An insurer that becomes a party to an agreement referred to in subsection 1 [which I won't read] shall, except with the approval of the superintendent, cease to undertake contracts . . ." What protection is there for the insured in that regard?

As I say I don't often admit it but in this case I don't know enough about it to be able to talk intelligently about the insurance business. But, as I said to my colleague, I have a certain sense of uneasiness about the system which is being proposed. Have there been a number of cases where the insurer has failed to meet his or her obligations to the insured under the system which prevailed prior to the introduction of this Act?

**Mr. Edighoffer:** I understand there was one.

**Mr. Deans:** I personally don't know of any and my colleague, Mr. Edighoffer, from wherever it is he comes from—

**Mr. J. E. Stokes (Thunder Bay):** Perth.

**Mr. Deans:** Perth. I'm sorry; from Perth.

**Mr. Stokes:** Everybody knows that.

**Mr. Deans:** He indicates there has been one. I am kind of worried about the reasoning behind bringing in a fairly elaborate system to cover that when there was but one. What caused that to happen?

**Mr. Drea:** One company?

**Mr. Deans:** My colleague from Perth tells me there has been one case where the insurer has failed to meet his or her obligations to the insured.

**Mr. Drea:** Not since 1931.

**Mr. Deans:** Not since 1931? I see. Is this the result of inflation? Is it simply a matter that because of the rapidly rising costs of the reproduction of farm buildings and farm properties this kind of fund is necessary? Is

it directly attributable to the rising costs of replacement? Is it because there has been some clear indication that certain of those who are involved in the business aren't able to meet their obligations? Are they not sufficiently funded? Why do they want to enter into such a co-operative arrangement? Do they want to offset the chances of loss against a larger fund?

Let me put it this way. If an insurer is uncertain about his or her capacity to meet the obligations of those who are insured, they can offset this by entering into a pool arrangement with a number of insurers, as is done by Lloyd's of London frequently. When Lloyd's takes on a very large obligation it offsets it against a number of smaller policies outside.

**Mr. Stokes:** Reinsuring.

**Mr. Deans:** Reinsuring, in other words.

**Mr. Drea:** They do this now.

**Mr. Deans:** Yes, that is what I am saying. I don't really understand why this is necessary. There has to be something more. I listened to you and I couldn't understand why we needed it. What is it about the system now? What is it about the insurers' capacity? What is it about the insured that makes such a scheme necessary in the Province of Ontario? Or is it simply an effort to try to keep a number of small insurers in business—and this may be legitimate—in order to offset their losses against a pool that is established by a number of small people running insurance operations primarily for one purpose?

Does the parliamentary assistant understand what I am saying? You know, I don't understand it frankly. I know enough about insurance to know that there is something not quite clear, but I don't know enough to tell you what it is. Okay?

**Mr. Speaker:** The hon. member for Huron-Bruce.

**Mr. Gaunt:** Mr. Speaker, I just want to say a word about this bill. We certainly agree with the bill, as has been indicated by my colleague, the member for Perth. The farm mutuals have been asking for this legislation for some three years and, as I understand it, they are quite pleased that it has been brought forward at this time.

I understand that as far as the premium notes are concerned, the entire system was archaic. There have been a number of firms—one I am quite familiar with—go out of

business, but they haven't taken up the option to call in the premium notes. They said that they don't feel that this was the way to do it and they have just voluntarily gone into bankruptcy, or in some cases just out of business, period. So that the insurance companies generally, the farm mutuals, have felt that even though this stipulation was there, it would never be used and hasn't been used since 1931. There was no point in really maintaining the system, because it wasn't to their advantage and it certainly wasn't to the advantage of the policy holders.

This particular system is much more modern and it brings the farm mutuals into the 20th century, I think it's fair to say. They have all agreed to join in the fund with the exception of one. I understand that one, as the parliamentary assistant has said, is not going to do so because they have built up their own fund. They have been accumulating their own fund throughout the years, and so they feel no need to involve themselves in this fund at this particular time.

I was wondering about the same problem as raised by the member for Perth, but I can appreciate it now. The government is leaving the options open. They can go either route if they so desire, and perhaps a good argument can be made for that particular option.

In view of the fact that I do have a number of farm mutuals in my riding, I wanted to indicate that I support the legislation. We welcome its provisions and we think it will be of great assistance to the farm mutuals.

**Mr. Speaker:** Does any other hon. member wish to take part in the debate? The hon. member for Kent.

**Mr. J. P. Spence (Kent):** Mr. Speaker, I would like to say a word about this bill. I think it's a step in the right direction. As my colleague said, he has a number of farm mutual fire insurance in his riding, and I must say I have a number, too. I have been insured under the mutual fire insurance company ever since I was big enough to pay premiums.

These premium notes to me seem to be outdated, but I would like to ask the parliamentary assistant a question in regard to the mutual fire insurance and the fund of \$1 million. Does that mean that each mutual fire insurance company would have to have \$1 million backing?

**Mr. Drea:** Not necessarily.

**Mr. Spence:** Not necessarily. One in the whole group?

**Mr. Drea:** Yes.

**Mr. Spence:** That's right—mutual. So I think this is a step in the right direction. Each year they have a mutual fire insurance convention here in the city of Toronto.

**Mr. Gaunt:** The Treasurer often goes.

**Mr. Ruston:** Darcy spoke there a year ago.

**Mr. Spence:** I always attend. I was disappointed that the Treasurer wasn't there on one or two nights, but he has attended on many occasions, and I was glad to see him in with us farmers.

**Hon. Mr. McKeough:** I have been there.

**Hon. Mr. Grossman:** The Treasurer is a teetotaler, that's why.

**Mr. Spence:** He comes from the city and I just wondered whether he had come in to rub shoulders with us poor people from the rural areas.

**Hon. Mr. McKeough:** Yes.

**Mr. Spence:** But he did this on a number of occasions.

I think doing away with those premium notes is a step in the right direction, because everybody hesitates when they have to sign a premium note. I think maybe today it is of greater concern than it has been in the past.

These mutual fire insurance companies have done a tremendous job. They give us insurance at a very reasonable rate, and I must say they do a tremendous job in our part of the province and, I would expect, in every part of the province.

With these few remarks, Mr. Speaker, I would say I think the parliamentary assistant is doing the right thing in introducing this bill.

**Hon. Mr. Grossman:** The member doesn't want the socialists to take over the companies.

**Mr. Spence:** No socialists.

**Mr. Speaker:** Is there any further discussion? The hon. member for Essex-Kent.

**Mr. Ruston:** Mr. Speaker, I don't want to be repetitious, but I just want to say that I think it's legislation that has long been needed. I know that five mutuals have been re-



questing it for going on three years, and it's quite a load to take off the shoulders of people who have to take out their insurance and at the same time have to sign a premium note.

I am sure the member for Wentworth would realize what a premium note is if he goes to back a note for his friend at the bank or something. In effect, this is about the same thing. We are now taking that away, so that they don't have to do that any more. With adequate funding, the people who are insured will be protected, and this is insurance at the grass roots. This is even better than government insurance because it is operated—

**Mr. Deans:** Why not a normal insurance programme? That's what I want to ask.

**Mr. Ruston:** —by the people themselves. Their directors are elected by the members who use the insurance facilities, and so I think it's a good thing that we bring in legislation that brings them up into today's world.

We would look forward, of course, if there is anything needed in the future with regard to amendments to it; sometimes these bills go through and maybe we find after six months or a year that alterations are needed. I am sure they won't take three years to make any amendments if they are necessary. Thank you very much, Mr. Speaker.

**Mr. Speaker:** The hon. member for Scarborough Centre.

**Mr. Drea:** I can assure my friend from Essex-Kent my legislation never needs amendments.

**Mr. Ruston:** Oh, now, that's a rash statement.

**Mr. Drea:** Never, never.

**Mr. Ruston:** He will have to eat those words.

**Mr. Speaker:** Order, please.

**Mr. Deans:** That has convinced me.

**Mr. Speaker:** Order, please. Will the hon. member return to the principle of the bill?

**Mr. Drea:** Mr. Speaker, I think that a number of speakers who have supported this do understand the principle, and therefore I tried to keep track of the number of questions that the member for Wentworth was posing. I counted up to 13, and the answer

to all of the questions that he posed was "No," so we will start from the beginning.

**Mr. Deans:** Thank you.

**Mr. Drea:** I obviously didn't explain it correctly, because most of those questions were based upon the premise that if these companies are successful, why bring this in?

First of all, none of these companies is in a precarious financial position. I can say categorically that they are all examined by the superintendent of insurance and they are right up to date.

Second, it is not inflation nor the potential high cost of claims that is bringing them into this, because some years ago this government brought in the farm fire mutual reinsurance fund plan, and that was very anticipatory because it got them into reinsurance long before the present type of thing was needed.

One of the other things is they are also in an insurance situation where they have very little real control over some of the catastrophes that may happen because there are no fire hydrants. If a barn catches fire, it is usually a total loss.

**Mr. Deans:** Even where there are fire hydrants that is normal.

**Mr. Drea:** Yes, all right; but if one gets into the field of weather, the insurance against weather in some of the rural areas is a very risky undertaking. Anything over \$100 worth of coverage must be put through the reinsurance fund and it goes on as the member has suggested, eventually through other companies. So it is not for that reason.

The fundamental reason is these companies—and I think the member for either Essex-Kent or Huron-Bruce mentioned these are grassroots companies—these companies do not employ agents; you go to them.

**An hon. member:** Yes.

**Mr. Drea:** They are relatively small companies; I don't want to say they are small because some of them handle a great volume of insurance. These companies are finding—with the movement into rural Ontario of people who are not familiar with the origins of the farm fire mutual insurance companies, which are basically a farmers' co-operative to provide a service the commercial companies refused to furnish, and in most cases still refuse to furnish—these companies find it very difficult to explain to new Canadians or to people who come from the city or to people who have come from other provinces,



this premium note. They feel very obligated to tell them that this premium note is a contingent liability that may have to be called in.

Now what they're doing is really modernizing. The premium note served that section of the insurance industry honourably and well for almost half a century, in fact longer than that. The point is that they are now in a position through their assets—and they have built these assets by themselves—that they can pool into a single fund which, based with the reinsurance plan, will provide adequate protection against a sudden catastrophe that would wipe out the assets of a single company and leave its policy holders unable to have their claims paid. This is the only reason for it.

Mr. Deans: I agree.

Mr. Drea: Now then, the member asked has any of this bill been to people on the outside before it was here.

Mr. Deans: I understand it has.

Mr. Drea: Well I don't want to say we're in the habit of handing out bills to people. What was discussed with them, very obviously, was the trust agreement. They had to agree to enter into the proposal, they had to know what they're doing; and as a matter of fact some final crossing of the t's is still going on.

Again, the question was asked why we go into reinsurance for one-third and their assets for two-thirds. It was that we didn't want to strip them of their immediate cash flow in the first instance to get this fund started; it's a very logical—and that's an approximation, it may not even require that much on the reinsurance fund.

One other matter: I don't want to leave members with the impression that in subsection 8 of section 7, where we say if they enter into this fund they will cease to do premium note plan business they will cease immediately. There are premium notes that will extend beyond the introduction of this Act. In some cases, people have taken premium notes for two or three years and they still have some months to run.

What we're saying is no new premium notes. The ones that are there, and I say this in all fairness, the ones that are there for the months that remain until the time limit goes off on them are still contingent liabilities; and the person who entered into the contract based upon that premium note still has that cloud over his head, although

I would doubt there would be anything of such magnitude that would affect the fund to such a degree that a premium note might be called in. So there will be no new ones issued.

I think, Mr. Speaker, that answers all of the queries and all of the questions. Perhaps the member for Wentworth has touched upon something, and I think some other speakers did too, that this is a method of permitting some relatively small Canadian, Ontario companies that have a remarkable success rate in the insurance field to compete in the modern Ontario, and leaving open to them the option that, if they can satisfy the superintendent of insurance and have valid reasons for doing so, they may at a future time still apply for the right to become a cash mutual and to extend and broaden their coverage. I think we have achieved really what the industry wanted.

One of the reasons it took three years, I may say, is that there was a great deal of very intricate work in the trust agreements and the protection that would be provided. Again, there had to be some deep consideration given as to whether we would make it mandatory. I say in all fairness to the member for Perth that the question of mandatory versus optional took up a great deal of time and of thinking. Again, the composition of the board of trustees took up a considerable amount of time.

In terms of providing protection and of allowing that particular segment of the industry to modernize and of making it as attractive as possible in a competitive way to the individual policy holder in rural and some of the smaller communities in Ontario, I think that we have met the requests of that industry. I would hope that we would get the full support of the House for this bill.

Mr. Deans: The parliamentary assistant has it.

Motion agreed to; second reading of the bill.

### THIRD READINGS

The following bills were given third reading upon motion:

Bill 14, the Environmental Assessment Act, 1975.

Bill 15, An Act to amend the Environmental Protection Act, 1971.

Bill 16, An Act to amend the Ontario Water Resources Act.

Bill 144, An Act to amend the Insurance Act.

## DOG LICENSING AND LIVE STOCK AND POULTRY PROTECTION ACT

Hon. Mr. Winkler moves second reading of Bill 142, An Act to amend the Dog Licensing and Live Stock and Poultry protection Act.

Hon. E. A. Winkler (Chairman, Management Board of Cabinet): Mr. Speaker, I would like to explain that in the absence of the minister, my parliamentary assistant for the evening, the member for Lambton (Mr. Henderson), will carry the bill.

Mr. Speaker: The hon. member for Huron-Bruce.

Mr. Gaunt: Mr. Speaker, I knew the member for Lambton was an expert in drainage, but I didn't know that he was an expert in dog protection or whatever pertains under this bill.

Mr. Stokes: This one has to do with rabbits, though.

Mr. J. Riddell (Huron): He is going to make the fur fly in Huron on July 28.

An hon. member: He had better read the bill first.

Mr. Deans: Why doesn't he hop along?

An hon. member: Has he read the bill yet?

Mr. Edighoffer: It's too much for him.

Mr. Gaunt: In any case, this is a fairly innocuous amendment. I understand why it is in here. I think there have been some losses experienced with respect to fur-bearing animals and also to rabbits. Rabbit farming these days is becoming a popular pastime.

Mr. J. R. Breithaupt (Kitchener): Everybody I know is doing it.

Mr. Gaunt: It can even be something more than a hobby.

Mr. Stokes: For fun and profit.

Mr. Gaunt: I fully appreciate the need for the inclusion of rabbits and fur-bearing animals under this Act.

Interjection by an hon. member.

Mr. Gaunt: The fur-bearing animals, I understand, would include the fox, marten, mink, raccoon and the fisher. I don't know how many fisher farms there are in the province but I do know that there are some fox and mink farms throughout the province.

Generally, we would certainly support this particular amendment to the Dog Licensing and Live Stock and Poultry Protection Amendment Act. There is just one thing. I understand that the maximum payable out under the Act both for fur-bearing animals and for rabbits is going to be left to the regulations. I am wondering, just so the member for Lambton has some question to which he can respond, what amount does he have in mind? How much is the ministry going to pay per rabbit; how much is it going to pay per fox?

Hon. Mr. Grossman: It depends what rabbits he has in mind.

Mr. Gaunt: What about the mink? Does he have any figure in mind?

Mr. Speaker: The hon. member for Wentworth.

Mr. Deans: Mr. Speaker, unlike the previous bill, I have had an opportunity to review this bill rather extensively.

Hon. Mr. Grossman: The member just likes bills with a little sex in them, that's all.

Mr. Deans: I have read at length the Dog Licensing and Live Stock and Poultry Protection Act, being chapter 132—

Mr. Stokes: If members don't believe it, just ask him.

Mr. Deans: —in the Statutes of Ontario, 1970. I have cross-referenced it, I might say, with the 1974 Revised Statutes. I have even read the Fur Farms Act, 1971, to determine that there is no deviation from the intent of those Acts. We agree that it is not a bad Act and we will pass it.

Hon. Mr. Winkler: There is no deviation in this bill.

Hon. Mr. Grossman: These rabbits are all straight.

Mr. Speaker: Does any other hon. member wish to take part? The hon. member for Sudbury.

Mr. M. C. Germa (Sudbury): Mr. Speaker, this bill is of considerable import because there is another bill on the order paper, presented by myself, to amend the Regional Municipality of Sudbury Act. It is an amendment called for even despite the provisions in section 8 of the Dog Licensing and Live Stock and Poultry Protection Act granting permission to an animal control officer to

enter on to and into a private property in order to enforce the regulations.

I am not exactly sure what animals are covered under this section. I think the minister would have to describe fur-bearing animal first in order for us to make proper comment.

**Mr. Gaunt:** It is a fisher, fox, marten, mink, raccoon or other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal.

**Mr. Deans:** Whether it is or not.

**Mr. Breithaupt:** They are going to have Noah as the chairman of the tribunal.

**Mr. Germa:** Unfortunately, the bill I have in my hand doesn't describe what a fur-bearing animal is. I will have to just image what it is.

**Hon. Mr. Grossman:** It is an animal which bears fur.

**Mr. Speaker:** Order, please. The hon. member for Sudbury has the floor.

**Mr. Germa:** A bear is presumably a fur-bearing animal, though I don't think one applies this Act to bears. The description of a fur-bearing animal has to be more closely defined. I don't know where the member for Huron-Bruce got the information of the description.

**Mr. Gaunt:** It is in the Fur Farms Act, 1971.

**Mr. Germa:** Oh, I am sorry, I neglected my research, Mr. Speaker.

**Hon. Mr. Grossman:** This has all the earmarks of an election issue.

**Mr. M. Cassidy (Ottawa Centre):** It is.

**Hon. Mr. McKeough:** Let's go to the people on this.

**Mr. Cassidy:** Joe Fabbro will never make it because of this issue.

**Mr. Germa:** What I am concerned about is that when the minister was amending the Act, he didn't provide for a means whereby the Act, the Dog Licensing and Live Stock and Poultry Protection Act, could be enforced, in that an animal control officer cannot enter private property. When these animals are loose and are pursued by an animal control officer, they inevitably run to their domicile or where they normally stay. The animal control officer is helpless; he can-

not enter private property in order to apprehend the animal which might be running at large.

It's all right to pass regulations to include various animals within the legislation but if we do not provide a means whereby the control officer can control and do his job, we are not going anywhere. We could add names to this list all night and if we don't have a method of enforcing it, we are not going anywhere. I wish the parliamentary assistant would respond to that.

**Mr. Speaker:** The hon. member for Lambton.

**Mr. L. C. Henderson (Lambton):** Thank you, Mr. Speaker. In responding on this particular bill, the hon. member for Huron-Bruce—

**Mr. Deans:** We will watch the fur fly now.

**Mr. Henderson:**—and the hon. member for Wentworth are to be congratulated on the research they put into it. To the hon. member for Sudbury and his inquiries about enforcing this particular bill, this is enforced by the local municipalities.

With respect to the hon. member for Huron-Bruce, it's any commercial operation, and to the actual value of them at that time. Thank you, Mr. Speaker.

**Mr. Gaunt:** I understand they are grooming the member for Lambton.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 142, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act.

**Clerk of the House:** The 15th order; House in committee of supply.

### ESTIMATES, MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

(continued)

**Mr. Chairman:** When we rose last, the member for Wentworth had the floor.



Mr. I. Deans (Wentworth): Thank you, Mr. Chairman. You will recall, no doubt, that on Friday morning when we were discussing the Treasury estimates, I discussed some views I had about the whole matter of regional development and some concerns I felt about the fact that the province may well have missed the opportunity to use two of the major tools available to it in terms of trying to provide for some form of economic stimulation, some form of economic opportunity, for people in the eastern part of the Province of Ontario, and in particular in the northern part of the Province of Ontario. I don't want to dwell on that at any great length tonight. I don't want to dwell on anything at any great length tonight, but I do want to turn for a moment or two to regional government.

When I was first elected to the Legislature in 1967 there was a great deal of talk going on about regional government and regionalization of local government. I think probably it was one of the main topics in certain parts of the province among a number of municipal leaders. I can remember the fanfare which attended upon the appointment of a regional government study group to look into the possibility of regional government in the Hamilton-Wentworth area. I don't pretend for a moment that the comments I will make here this evening will naturally be attributable to every single regional government area in the Province of Ontario, because it's entirely possible that the circumstances and the events that have occurred since 1970 or later have been different for certain areas.

What I want to say is directly related to regional government as it has affected the Hamilton-Wentworth area. I want to suggest to the ministry that if there are any comments at all which are applicable to other areas in the province, then I ask them seriously to apply them. If they find none, then I would ask them to reconsider, because it's going to be very difficult for me to believe that much of what I'm going to say doesn't apply to more than one regional government area.

A great fanfare attended the setting up of regional government study groups. Those groups studied the areas that were given to them and, in general terms, arrived at what might have been considered by the majority of people to be acceptable boundaries for regional administrative purposes.

I think that the primary purpose of setting up regional government was twofold. It was, in the first instance, to ensure that the provision of services for areas not yet serviced would be less costly over the long haul and

would be more likely to be accomplished by the region on behalf of its taxpayers.

I think the second half of it was that there would be some direct benefit to those who currently live within the regions. I don't think we can afford to ask taxpayers in this day and age, given the high cost of simply making ends meet, to bear the burden of future benefits that might flow to their children or their children's children. That doesn't mean we ought not to pay attention to those problems. It simply means we can't afford to bear all of that cost in this one generation of taxpayers.

While there may be very useful and worthwhile things that will flow in the long haul from regionalization, the taxpayers of today cannot be expected to bear the full burden, either by way of direct taxation on property or by way of grant, which is a method of raising taxes from a variety of other sources. You cannot expect the taxpayer of today will bear the full burden. I think this is really what's been happening, and it worries me.

I have said many times that in the Hamilton-Wentworth region—and if I may, I would like to use that as an example for the next few minutes—there were two distinctly different entities. There was the city of Hamilton, which benefited fairly substantially from industrial development and assessment, and had a fairly high rate of benefit from commercial investment and assessment. The people of the city enjoyed a certain standard which provided for them fire and police protection, lighting, streets, sidewalks, garbage pickup and disposal, and a variety of other different services from the municipality. The old county of Wentworth had few of those amenities.

The average tax paid by the average citizen on the average assessment in the city of Hamilton varied very little from the average tax paid on the average assessment on the average home in the county of Wentworth. The difference, of course, lay in the degree of service. In the city there was a fairly high level of service. It was very costly, but it was fairly high. The cost was offset to a great extent by the assessment base, by industrial, commercial and residential put together.

In the county the services provided were fairly low. There were no sidewalks. In many areas there were few paved streets. In most areas there were no sewer or water services. There was adequate though at times hardly visible police protection for most of the rural area. There was little paid fire protection, though there was in fact volunteer fire

protection. But the people in the rural community were satisfied with the services they were getting for the dollars they were paying. They didn't ask for very much—a clean ditch; a ball park scraped out; an ice rink flooded; a road to be oiled or tarred or have gravel or dust put down in the summertime to try to maintain some kind of a base. In general terms, the services provided in the rural communities were considerably less, on balance, than the services provided in the more urban communities. But the taxes, generally speaking, were about the same.

Regional government came along. I say to the minister that it was too much too quickly. I don't know whether it will ever work. I suppose if the government determines that it shall work and if over the course of time many of the costs could be hidden in the general revenues or in the grants that are made available, then if the government is bound and determined that it's going to succeed, it will succeed.

But if one were to weigh the cost today of the provision of the services that are currently available, over and against the cost of the services that were available immediately prior to regionalization, which is a year and a half ago in Hamilton-Wentworth, I say to the minister that he would find the costs of maintaining, administering and providing the services in the rural communities in the Hamilton-Wentworth region have risen unaccountably, at least from my point of view, since the time that the regionalization took place.

I happen to be one of those people who think that, on balance, there may have been an iniquity in the years gone by. But I think what has been tried has created a greater iniquity than what was previously there. I think that in trying both to do the assessment on a market value base and to regionalize at the same time—given that there were certain municipalities where the assessment base was market value and others where the assessment base was calculated on a formula other than market value; given that certain of the municipalities which were amalgamated in the regionalization had a tax base considerably different from their partners which had to become a part of the total municipality; given that the level of service in one municipality was considerably different from the level of service in its neighbour, east or west; given that the municipalities were different in their outlook, and given that they reflected a sense of what the people who lived there believed was necessary for

their well-being—the whole process is in some jeopardy at the moment.

I don't have to make excuses for what has gone on in the area that I represent. I haven't been happy all of the time with all of the decisions of the regional councils. I think the minister understands that. But the one thing that has bothered me more than any other single thing has been that, in the main, people who previously had a very minimal level of service, who paid a reasonably high level of tax and who were provided with a fairly intimate level of representation, now have a fairly minimal level of service, a fairly high level of tax and very little intimate representation.

The decisions that are being made are being made in such a way, and the balance between the various municipalities is so overwhelming, that for many people the opportunities for their legitimate concerns to be heard at the regional level are practically non-existent.

The minister can theorize. He can talk in theory about breakdown on rep by pop, he can talk about the way in which the boundaries were set up in order to ensure that a certain number of people would have a certain amount of representation, and he can tell me that the balance is there in theory. I can't quarrel, because in theory it's true. But theory doesn't do a bloody thing for the man who lives in the house who feels that he is under-represented or who feels that the level of service afforded to him has deteriorated since the implementation of regional government.

Let me tell the minister that in speaking to the people in the town of Stoney Creek, for example, I discovered an area known as Walker Heights. Why is it called Walker Heights? Let me tell the House; because it's a little higher than the rest and it was developed by a guy named Walker. It's a residential area and it has been there for a number of years, far longer than I. It has always had some difficulty with the provision of water for normal household use, but it has always had water—until regional government.

Then came the problem, and the problem stems from this: Previously the people who lived there knew their representatives intimately. When they picked up the phone on a Saturday morning and said, "Say, Jack, I don't have any water today. What's the problem?" Jack, sitting on the council, could call the engineer, who in turn could speak to the waterworks superintendent, who in



turn could check out the problem and provide some relief.

Unfortunately, the entire town now has only two representatives. In order to get some satisfaction, those people who previously were able to get in touch quite intimately with their representatives, of whom there were a number, now have to find one of the two regional councillors on that Saturday morning; and that regional councillor in turn has to find the engineer; and that engineer in turn has to recognize that that's important, even though it may only be 50 or 60 houses, and somehow or other has to relay that message to a man who is now the superintendent of water facilities, or whatever he is called, and who doesn't give a damn about Walker Heights, and doesn't provide the water anyway; and he says: "Let them wait." That's where the breakdowns come; the breakdown now is that these people no longer have access to the people who make the decisions.

How do we correct that? I don't know, because as I looked at what occurred in that self-same town of Stoney Creek over the last two weeks, which had been brewing for six solid months, I've got to question it very seriously. We apparently have a situation in that municipality where some previous administrator, the one who is no longer there, is being blamed. He made some drastic errors in his calculation with regard to taxes.

I haven't spoken to him personally, but I suspect he didn't calculate properly because the amalgamation of the two municipalities, involving Saltfleet and Stoney Creek, made it difficult for him to fully understand in a short period of time the implications of the financial arrangements of the two, and he ended up making serious miscalculations about the revenue, the expenditures, the obligations and the grants. So they ended up with less revenue, higher expenditures, more obligation and fewer grants. In some instances he didn't apply for grants that ought to have been available. The only explanation that I can find, given that this person had provided an adequate level of service for some 10 or 15 years, was that the transition was done in such a way that he wasn't able to keep pace with it.

Now who suffers? Certainly not that individual—I don't know even where he is anymore—not that individual. The people who suffer are the people in the community, the people who now have to pick up the additional tax costs.

I want to say that on balance, given that the ministry has now decided that transit is not going to become a regional responsibility—and they made that decision on the basis of the argument made to them by the regional municipalities; given that the majority of people in the community don't benefit one whit from the change; given that I can find no visible evidence of any higher level of service now or contemplated in the foreseeable future; given that I can find ample evidence of problems which have arisen as the result of regionalization; given that the taxes in the whole area have now risen substantially over 1973; given that the government is obligated to something called a five-year depletable—I don't know what the correct term is, but I suppose a five-year grant structure at the end of which there will be no more money, presumably; given that the residents of the area haven't yet had it explained to them what the total costs of regionalization will be at the end of the five-year grant structure—

**Mr. H. Worton (Wellington South):** Transitional.

**Mr. Deans:** —transitional, thank you very much; he says transitional—given that my constituents haven't had it explained to them, either by this government or by any other government, what will happen by way of an increase in taxes at the end of the transitional grant period, which is now only 3½ years away; given that the costs of regionalization, both in terms of the building of new palaces and the payment of new fee structures to the local municipal representatives, have cost the taxpayers considerable sums of money—as yet not able to be determined fully—I have asked, and I have asked seriously, for some kind of cost benefit analysis to be made.

Now the one thing we can't afford, and I say this to the Treasurer (Mr. McKeough) with whatever is in me, we cannot afford to demand that a system prevail if the system is too costly for the people who have to pay the bills. We can't do that.

We can't say to some today that they are going to have to carry the burden of cost—whether they be old age pensioners, whether they be people on fixed incomes, whether they be low wage earners or whether they be the average citizen—we can't say to them that they have to carry the burden of costs for something the government wants to see in force without being able to prove substantially to them that there will at some point be a benefit to them; there has to be a benefit.



Municipal taxes were intended to be taxes imposed for the purpose of the provision of services. It is not a general tax levy, nor was it ever intended to be a general tax levy. It was never intended to be related to income; and many of us in this Legislature have argued that it ought to have been.

Many of the services currently provided should, in fact, be provided out of general revenue rather than out of municipal revenue; but if we are going to continue indefinitely with the municipal tax structure as it currently is, if we are going to experiment with new systems, with new levies, with new taxation methods at the municipal level, at the expense of the current taxpayer who is already hard pressed, then we are not living up to our obligations.

The transition, if it were necessary, and that's to be proved, ought to have been undertaken over a longer period of time. I suggest to you that as I look at what is happening within the region I represent—much of which I represent along with other colleagues in the House—I have come to the conclusion there is absolutely no evidence to date to show there are benefits which flow from regionalization. In addition, there is sufficient evidence on the record now to show that the additional costs outstrip whatever additional benefits currently flow.

There are, of course, the statements of the government that there will be benefits in the future. But I am going to tell you something about the future. The future is somewhat uncertain. For a great many people working in the average job, in the average plant, to tell them that some day in the future they or their offspring will benefit from a change in the structure at the municipal level just doesn't wash.

Without condemning it—and I make that clear—I ask you again, as I have asked of the Premier (Mr. Davis) and the Provincial Treasurer in weeks gone by, will you please set up a study group who will sit down and analyze carefully the expenditures, the revenues, the programmes, the grants, the projected programmes and whatever benefits are intended to flow from regional government to the people who live in the region. Having so done, will you then make a statement—a clear understandable, concise statement—about whatever benefits there are that flow to the average taxpayer on the municipal tax roll; about the benefits he can expect over and against the costs which he has to pay.

I don't think it's too much to ask. I think, in fact, it's a part of responsible government.

I think that when you introduce programmes, regardless of whether or not you are wholeheartedly behind them and believe them to be absolutely necessary, you have an obligation as the government of the province to ensure that there are benefits which flow, commensurate with the costs. I don't think that's been done; in fact, I know it hasn't been done.

I don't want you to wait for 10 years. I want an ongoing review to ensure that those taxpayers who at this particular point in time are having considerable difficulty making ends meet are given some assurance that the services they can expect in the future will be within their capacity to pay.

I think, on balance, that the government made a mistake in the Hamilton-Wentworth region. I suspect that others among my colleagues think it made a mistake in other areas. Some may believe that what they have seen is worthwhile; some may believe that what has happened in their particular areas is much better than what was there previously. So be it; that makes the government decision in that area corrected.

I want to tell you that until such time as I can see some very clear statistical information showing me that the average taxpayer is receiving as much for his tax dollar today, given the cost of inflation and given the rises related to inflation, as he was receiving prior to the implementation of regional government, I've got to say to you that I don't understand what's happening.

I think I'm speaking for most of the people in my constituency and for most of the people in the entire region. They all ask the same question: "How can it be that I get nothing more—I get less, in fact—by way of service and I'm expected to pay more, although I know the government is covering some of the cost by way of grant? What is the real cost to me as a taxpayer?"

I think that's what's called levelling with the public and that's what's called responsible government when the government says to the people, quite frankly, "These are the costs attendant on the services that you're getting. These are the grants that we pay to offset the costs. This is the period of time in which the grant will be available. These are the costs you will have to bear when the grant is no longer paid."

Having so done, you then say to them, "Now you know the truth. Make a judgement." Ultimately the judgement on these things belongs to the people who pay the bills. It doesn't belong here. We may feel a little farsighted about things from time to

time or have a little narrower view at other times, but the truth of the matter is that ultimately the people of the province pay the cost, and they deserve the truth.

I ask the Treasurer, on behalf of the municipal affairs portion of his ministry, to undertake in three areas, one of which I would ask would be the Hamilton-Wentworth region and any two others that he cares to choose—perhaps Niagara, because it has been in effect longer, and perhaps a newer region if there is such a thing—a cost-benefit analysis by way of a task force to determine whether what is now being provided, over and against what is now being paid, is commensurate with what was being provided prior to the implementation of regional government, over and against what it cost at that time, allowing a factor for inflation, and then publish the results.

In addition, he might want to project what people could reasonably expect to receive within their lifetime or what they might expect to see by way of increased benefits during the course of their living in that community. On balance, they would then be able to make a reasonable judgement about regionalization.

I say to the Treasurer that there isn't a person outside of the ministry who honestly understands what's happening in the province with regard to costs and regionalization. If the minister understands it, then he has kept it to himself, because he hasn't shared it with anyone that I know of. I would ask him to make that kind of clean statement to the public about the way in which it's being done so that at some point they, who have to pay the bills, also will have the opportunity to make the judgements. I think that's where it's all at. If they can't, then who can?

I'm absolutely convinced that regionalization could provide certain benefits in the long haul. The unfortunate part about it is that the costs are far too onerous in the short run and, therefore, what benefit might flow over the long period is offset by the immediate cost, which the majority can't afford.

I would ask the minister if he wouldn't consider undertaking such a study and making the content of it public—without vetting, without any editing, make the content of whatever study is conducted public so that the public can review for themselves and can become knowledgeable and can then make a decision. Then if, in fact, what I suspect is true, they may want to rationalize their regions, they may want to alter to some extent

the tier at which certain decisions are being made in order to ensure that the costs are within their capacities to pay.

When the town of Stoney Creek's taxes went up 26 per cent or more this year, there were a great number of people—who are living in the town because it was viewed by many to be a place to go to retire in—whose income capacity is not sufficient to meet that additional cost. I think we legislators, particularly you as the government, have an obligation to look into it much more deeply than has been done in the past and to make some kind of recommendations. I am not happy with what has happened; not nearly happy.

I don't see how the government could possibly hope to have operated in the way it has over the last number of years without a person in charge of municipal affairs. The last few weeks have changed that. The fact of the matter is that during that interim period there were horrendous problems that couldn't possibly be coped with by one individual in charge of Treasury and Intergovernmental Affairs at the same time, including municipal affairs.

I think that what we said at the time the ministry was set up has proved to be true. I can well remember it. The ministry was set up to satisfy the appetite of the Treasurer, who is capable, no doubt, of absorbing and of taking on a lot of work. But the fact is that even this was too big for him. It was too big for the member for London South (Mr. White). Municipalities sat begging, waiting, hoping, but very little attention was being paid because the national economy, the provincial economy took up much—not much too much, but obviously a proportion—of the amount of the time, because of the great deal of difficulties in those areas. Municipalities weren't able to get the kinds of answers that they had to have to the problems that were confronting them. It was all done in an offhand, "let's get it over with" basis.

I am not suggesting for a moment that neither of the ministers tried hard—I think they both did—but I am going to tell this House that the move to create a portfolio dealing with municipal affairs itself should have taken place some time ago. Maybe what happened in Stoney Creek—and what I suspect may well be happening in other communities, unbeknownst to them—could have been avoided if the government had paid a little bit of attention to the budgeting, to the budget-making operation,



to the grant structure operation, as it applied directly to small municipalities.

I want to ask one question in closing. I ask the minister in charge of municipal affairs if, in fact, the budgets of small municipalities were reviewed by the grants branch or the subsidies branch of the ministry; whether, in applying for subsidy for the variety of programmes, both capital and ongoing, the grants branch did review the budget to determine the capability of the local municipality? If it did, can the minister explain to me how it could be that that municipality could have failed to exercise its obligations to its taxpayers in the past fiscal year to the extent that it now has to levy an additional 26 per cent in order to make up what it didn't claim for and what it did wrong?

There is no point in having the operation of reviewing municipal budgets if the review is cursory, if the review is not meaningful, if the review doesn't take into account either the capacity of the municipality to raise the taxes or, on the other hand, the right of the municipality to expend the finances.

I am persuaded that a review, selected if one wishes in regional government areas, is an absolute necessity. It needn't be aimed at disbanding—though that may be the ultimate result in some instances—but it certainly has to be aimed at determining whether the benefits are related directly to the costs. If the government is not prepared to do that, then we are wasting our time here—because that is our primary function.

**Mr. J. R. Breithaupt** (Kitchener): I understand we were originally going to complete this item with the remarks of the member for Wentworth. However, it is necessary for us to continue in session so that the social development committee, if it completes Bill 100, will be able to report back to us in order that that bill may be printed as amended in committee and be available for us tomorrow.

Accordingly, perhaps this might be a convenient time for the Treasurer to respond generally, if he wishes to, to the two lead-off comments from the opposition parties—and then we could go into the particular votes as time may be available to us.

**Hon. W. D. McKeough** (Treasurer, Minister of Intergovernmental Affairs): Mr. Chairman, I don't think I would reply at any length to the comments of the member for York Centre (Mr. Deacon) or the member for Wentworth. It seems to me that they will be more appropriately dealt with under the

various votes and items, and particularly in connection with the problems of Stoney Creek.

The Minister without Portfolio (Mr. Beckett) is much more familiar with it than I am. No doubt when we get to that vote, which is item 6, he may well be here and will want to try to answer some of the questions that have been raised by the member for Wentworth.

In reviewing my notes as to the various points raised, the member for York Centre spoke generally on regional development, regional offices, and the rationalization of same, which generally are the responsibility of the Chairman of the Management Board. However, the problems in connection with regional development, vis-à-vis Nanticoke and, as I say, the problems in connection with Stoney Creek, I think all can be dealt with greater efficacy as we approach the various votes and items under the votes.

The member for York South, however, did—

**Mr. J. E. Stokes** (Thunder Bay): Centre.

**Hon. Mr. McKeough**: York Centre, yes; what a slip. The member for York Centre did ask for ways of going about the first vote itself—ministry administration. Obviously, we regret what the expenditure is—an increase as large as it is shown. Whether it will be spent remains to be seen. Of the increase of \$1 million, 60 per cent is accounted by salary awards, merit increases to staff and the inflation factor generally on goods and services. There are several other smaller items, which mainly took place in 1974 and 1975, and were reflected in the 1975-1976 estimates. The largest single factor, as it is in a great number of estimates, is the inflation factor.

On vote 1001:

**Mr. Breithaupt**: With respect to this vote, the only general comment that I would like to make, Mr. Chairman, is that I understand the equal opportunity for women programme is under this particular vote. The programme is known as affirmative action.

I am wondering if the Treasurer could advise us particularly the steps that have been taken within the ministry to equalize the pay and job opportunities as well as equalizing the promotion possibilities. The one particular problem that I would consider at this point is the matter of labelling, which is still a way of getting around the particular matter of a woman receiving less pay than a man. We were aware of that, I believe, last



year as various jobs were discussed on the same basis that, for example, a woman might be classified as a cook whereas a man might be classified as a chef. The additional differences in pay, presumably based upon different kinds of jobs, could, in effect, be equated as the same kind of work being done but similar pay not being given for work of equal value. Could the minister develop that particular point with respect to equal opportunity for women within the public service?

**Hon. Mr. McKeough:** Yes, Mr. Chairman, I would be delighted to read into the record some brief notes which were prepared for me for these purposes and which will, I think, give the member some background.

Ministry activity in this area was initiated at the direction of my predecessor (Mr. White) early in 1974. I may say there was no one on the Treasury benches who was more dedicated to doing something positive about the role of women in government and in our society generally, insofar as government particularly is concerned, and he has championed the cause, if I can put it that way, loudly and well.

Prior to the publication of the government's green paper on equal opportunities, my predecessor was involved in this and as I say championed the cause with a view to identifying the problems which exist in the promotion, development and advancement of women, and the development of a programme to encourage and promote equal opportunity within the ministry. An equal opportunity resource team was established under the direction of the general manager. Administration for this purpose and the initial programmes were developed and implementation was commenced. With the subsequent development of a staff development committee, the women's co-ordinators' office and the women's advisory committee the equal opportunity resource team was disbanded and programme responsibilities undertaken by these new units within the ministry. Top-level support has been provided by the minister and the deputy minister and by the policy committee of the ministry in a continuing role of policy development and programme monitoring.

Prior to the publication of the guidelines, two meetings were held with Treasury women employees. At the first meeting on June 13, 1974, the minister and the deputy minister discussed the particular concerns of women employees including day care maternity leaves, staff development and the work situation of Treasury women employees com-

pared to men. Plans for an equal opportunity staff development programme were outlined.

The second meeting was held on July 16, 1974, and focused on a paper prepared by an ad hoc group of women employees outlining their concerns and recommendations for action. My predecessor agreed to many of the recommendations, including the establishment of an advisory committee composed of elected representatives of women employees. A draft staff development programme for all employees was described by the minister and the deputy minister.

This programme is designed to provide increased opportunities for training and development of all personnel with particular application for affirmative action for women employees and long-term manpower planning. It includes a basic orientation programme for all new employees; a management apprenticeship programme to develop first line supervisory and management skills; a bridge job programme to provide support staff with structures and programmes which will allow them to move into professional, administrative or technical levels; and a job enrichment programme to allow broader scope, flexibility and variety in job activities.

In addition to the minister's announcement at these meetings, the equal opportunity action programme was announced in the ministry staff bulletin in July, 1974. This was reinforced when I became Treasurer in 1975. I met with the women's advisory committee and reaffirmed the government's commitment to equal opportunity for women. My statement was published in the ministry newsletter in March 1975.

The minister, the deputy minister and the assistant deputy minister were briefed initially by the general manager on the purpose and benefits of the staff development programme and have kept fully informed as progress and implementation have taken place. In addition, the general manager and his resource team held meetings with the executive directors and directors to make them aware of the programmes and their intent. Managers and supervisors have been involved in planning and monitoring the management apprenticeship programme, and participated in the identification of positions and employees appropriate for the various staff development programmes. The involvement of managers in policy development has been intensified since January, 1974.

The women's co-ordinator and organization development staff reached senior and middle management on the affirmative action

guidelines regarding this ministry's progress to date and has received their input for future planning. The women's co-ordinator has made presentations on the programme to several employee groups at the request of branch directors. Meetings with staff in the four regional offices are planned for the summer. Ongoing policy involvement is provided through periodic meetings between the women's co-ordinator and the policy committee, the senior management committee of the ministry.

The position of women's co-ordinator was advertised in *Topical* in September, 1974, and in the *Globe and Mail*, also in September, 1974. Glenna Carr was appointed and joined the staff on Nov. 12, 1974. This is a new full-time position at the executive officer 3 level, reporting directly to the deputy minister. Her office is currently located on the sixth floor of the Frost Building North, Queen's Park.

The function of this office involves the design, co-ordination and promotion of programmes and policies to encourage the advancement of women employees, including the co-ordination of policy recommendations and advice to senior management on the recruitment, promotion, development and utilization of women employees, and the design and co-ordination of special projects and activities of interest to women, with recommendations that they be implemented by the ministry, such as day care, maternity leave, International Women's Year, and appointments to boards or commissions. These duties are performed in co-ordination and with the assistance from the organization development group of the management services branch.

Other responsibilities of the women's co-ordinator include chairing the women's advisory committee, advising policy committee, membership of the staff development committee, liaison for Treasury with external groups and agencies regarding affirmative action and issues of concern to women, and monitoring and reporting on the affirmative action programme. Monitoring of the programme in relation to overall staff development is also carried out by the organizational development group.

The salary and expenses of the women's co-ordinator and assistant come from the ministry's central office budget. Additional programme resources are provided indirectly through other branches and from the organization development budget in the administration programme. Such expenditures have in-

cluded, for example, the cost of the two-day, \$1,300 development workshop for the women's advisory committee, and a \$6,000 allocation for International Women's Year projects. The costs of regular staff development and training programmes are charged back to individual branches or covered by the personnel administration branch.

**Mr. Stokes:** How many have you got in key positions in your ministry?

**Hon. Mr. McKeough:** We're coming to that. The women's advisory committee, WAC, was established on July 22, 1974, as a result of the minister's second meeting with women employees. The committee has 40 members elected by the women in all branches of the ministry. Membership is based on a proportional representation of the branch size and the job categories of the women. All members of the WAC are women employees. Men participate on some of the subcommittees.

Since the women's co-ordinator came on staff, there have been four meetings, one each month. Prior to November, 1974, nine meetings were held. Through the women's co-ordinator, the committee provides recommendations and programme proposals to senior management, monitors the programme and informs their branch staff about WAC activities.

Subcommittees have been set up by the WAC to examine and report on particular tasks or problems. At the time of this report there are eight subcommittees. The co-ordinating committee plans the monthly WAC meetings and co-ordinates the work of the subcommittees. The résumé and interview workshop committee has developed and offered seven workshops to Treasury staff on how to develop résumés and applications. It is currently developing a programme for workshops and interview participation.

The programme development committee monitors and makes proposals for policy and programme activities in relation to the management apprenticeship, bridge job and job enrichment programmes, and other staff development activities.

The information and attitude survey committee has prepared a questionnaire for all employees to gather information on any barriers to the advancement of women on additional programmes which would support equal opportunity and to identify current attitudes of men and women toward the equal opportunity programme.

**Mr. M. Cassidy (Ottawa Centre):** On a point of order, Mr. Chairman.



**Mr. Chairman:** Will the hon. member state his point of order?

**Mr. Cassidy:** Does the minister not think that material such as this would be more useful to the critics before the estimates? I'm sure he has at least 38 hours of material which has been prepared under the various headings that we could have had a much more fruitful debate if this material had been supplied in advance rather than given to the minister in order that he could fill time with it.

**Hon. Mr. McKeough:** I certainly think that's something we will take into account before another year's estimates, Mr. Chairman.

**Mr. Cassidy:** In view of the minister's positive response, would he consider making the other briefing material he has available by tomorrow morning, let's say, so that the critics can use it and we can get on to some real debate?

**Hon. Mr. McKeough:** I'll certainly take that into consideration, Mr. Chairman.

**Mr. Chairman:** Will the hon. minister continue, please?

**Hon. Mr. McKeough:** The International Women's Year committee has arranged a ministry programme of six lectures on the International Women's Year theme of equality and development. The first speaker on May 16 was Dr. Jill Conway, vice-president of the University of Toronto. Dr. Conway will be followed by lawyer Rosalie Abella.

A part-time survey committee designed a survey to test the percentage of ministry staff interested in permanent part-time employment. The results, which favoured this approach, are to be publicized.

The daycare and maternity committee researched locations and costs of day care; single-parent priorities; absence rates among working mothers; and the entrance age for day care. This committee liaises with the Queen's Park daycare committee and is also studying the potential of training students in a daycare project.

The information and monitoring committee liaises with the information services branch and administration division of Treasury before the publication of bulletins dealing with women. Currently, this committee is studying Civil Service Commission course structures and guidelines, the selection board process, interministry salary statistics and the status of Treasury women.

To compare the status and utilization of men and women employees in the ministry, a comprehensive data base has been compiled in accordance with the guidelines prepared by the women Crown employees office. This information will also serve as a benchmark against which progress may be measured. There are certain tables here.

Perhaps, summarizing it, as of March 31, 1973, at the higher salary level, there were 19 women and 221 men in Treasury earning \$15,000 plus. As of March 31, 1975, the number of women has risen to 55, the number of men to 272. The percentage increase for women is from two per cent of the total to eight per cent; for the men, 27 per cent to 39 per cent.

These figures also indicate an improvement in the number of women occupying higher level positions. Over the two-year period, the number of women earning in excess of \$15,000 has increased by 36 or some 189 per cent. The absolute numbers for women are relatively small when compared with the number of men earning in this bracket. However, it is important to note that while the percentage of women at these levels has increased significantly, the percentage of men at equivalent levels has increased at a much more moderate degree.

I think perhaps that might complete this summary of what we are doing within the ministry. There are breakdowns of certain other programmes, but I think that for this moment that does complete it. I'll be glad to make this material available to the member for Ottawa Centre and the member for Kitchener because of their particular interest in this matter.

**Mr. Chairman:** The member for Kitchener.

**Mr. Breithaupt:** Thank you very much, Mr. Minister. I almost regret to ask any further questions in case the answers are equally voluminous. Perhaps the minister would be prepared to submit a list of questions to me which he would like to be asked because he's particularly prepared to answer.

**Mr. Cassidy:** Give us the answers and see if we can work out the questions.

**Mr. Breithaupt:** My friend from Thunder Bay has a couple of questions that he may put at this point that may not have the same preparation that we have just witnessed.

**Mr. Stokes:** Yes, on that first vote, Mr. Chairman—



**Hon. Mr. McKeough:** He is an expert in this area as well.

**Mr. Stokes:** I don't profess to be an expert on any particular subject or in any particular matter.

**Mr. Worton:** But you have that right, Jack. You are a long way from home.

**Mr. Stokes:** I still have the right to stand up and question the minister on things that I think are of concern, particularly to the people who sent me here.

I want to ask the minister, in terms of overall policy and the actual structure of his ministry, how he sees it, now that he's had an opportunity to be the minister on two separate occasions for Treasury, Economics and Intergovernmental Affairs, and since a certain responsibility has been taken from your ministry, since the Ministry of Housing has been formed, dealing particularly with the Planning Act and the functions that it has taken unto itself.

It seems to me that there is a lack of a certain kind of cohesion that's necessary to assist municipalities concerning subdivisions, concerning official plans, concerning zoning bylaws. It seems to me that there is such a fragmentation that I even get mayors of municipalities asking me now, to whom should they go for a particular authority to enact a bylaw, or where would they go to get the kind of advice that may be necessary so that they would stay on the right track.

I sense a certain degree of uneasiness among municipal officials, whether they are elected or whether they are salaried employees. They seem to be in a quandary as to what are the responsibilities of TEIGA and what are the responsibilities that have been hived off into other ministries. I think this is unfortunate.

Certain comments were made by my colleague, the member for Wentworth, and the minister didn't choose to reply to them directly, because he said his parliamentary assistant was much more knowledgeable in this field, and when we got to vote 1005 perhaps the parliamentary assistant would be available and might be able to answer in some more detail some of the points that were raised by my colleague. This worries me, because I happen to think that this minister is one of the better ministers over there and he's quite responsive to anything that you bring to his attention.

**Mr. Breithaupt:** He is the only minister over there.

**Mr. Stokes:** He is the only one at the moment, but even when they are all there he happens to be one of the more effective members of cabinet. I would like to think that the minister who is responsible for Treasury, Economics and Intergovernmental Affairs was capable of answering all of the questions that fall within the purview of this ministry.

I happen to think, as a result of my own observations and what I am hearing now from municipal officials, that this ministry is becoming so all-pervasive that it's really too big for any one man, and I happen to think that the municipal officials have come to believe that it's so unwieldy that it's almost too difficult for them to cope with. So I'm just wondering if the minister, now that he's had the experience of a couple of years, maybe three or four years I guess, in this portfolio, whether he himself now feels that there should be some reorganization, some division of powers, some hiving off, something much smaller, much more capable of being talked to and responding to the needs of municipalities, whether it be regional government, whether it be Metropolitan Toronto, whether it be a small community in the north or whether it be an unorganized community that is aspiring to some form of municipal organization. Does the minister not feel now that it's time really to give the municipalities a sense of direction by giving them some entity that they are capable of coping with?

When you look through the estimates book or when you look through the government directory and see the all-pervasive responsibilities of this ministry, I am just wondering, are you of the same opinion as I am that there should be some form of reorganization that makes this ministry much more accessible to municipalities, that will allow them to understand what the function is and to make the minister much more responsive to the needs and the aspirations of municipalities rather than hiving it off to one or two parliamentary assistants?

It has always been said since I've been down here that it was the aim of government over on the other side to make government more responsive to the needs of people and to make government more accessible to the people and their elected officials at the municipal level. I sense that this isn't happening. I sense a good deal of frustration with regard to the kind of red tape that municipalities are experiencing in getting approvals for things that your people are responsible for. I would just like some comment from the minister as to what direction

he sees this ministry going vis-à-vis municipalities.

**Hon. Mr. McKeough:** The member has raised several points. I'm not sure that I'll answer all the points he has raised but I'll start and then he can come back to me with what I haven't answered.

I can answer most of the questions put by the member for Wentworth with respect to Hamilton-Wentworth and will at the appropriate time. What the member for Wentworth was particularly talking about was the problems of Stoney Creek related to their this year's tax bill. The Minister without Portfolio has been much more deeply involved in that particular item than I have been. I would much prefer if he were here to handle that question at the appropriate time, although if he is not I can do so. That's all I meant by that particular comment.

I should perhaps say that there isn't a clearly defined split between the responsibilities of the Minister without Portfolio and the Treasurer. I don't think there was before particularly when the present Minister of Housing (Mr. Irvine) was the Minister without Portfolio, nor was there particularly when I was Treasurer before, when at that point there were two parliamentary assistants. To some extent, it's done on a bit of an ad hoc basis, although I think it is fair to say that gradually we are trying to divide the workload or the responsibility, which is a better way of putting it, for what would be considered municipal affairs—that is, local government organization, particularly local government services, including money matters but not including the local government finance which, very properly, I think remains with the Treasurer as part of his budget.

That's one of the great reasons for bringing the two things together. I mean local government services, local government organization, what we used to refer to as the services to the clerks and treasurers—there may not always be clerks and treasurers in a particular municipality, but that whole area. That is generally the direction in which the present Minister without Portfolio and myself are sorting things out.

I am keeping to myself the traditional things pertaining to Treasury, such as the budget and ongoing budgetary matters, the financing of the province, and matters pertaining to economics in the broad sense, both provincial and regional, and intergovernmental insofar as they affect the province's relations with the senior government or with

other governments, although a great deal of that is done by the ministries themselves. Under that vote, we can talk about this.

We have a monitoring role—not a monitoring role; sometimes they think we are spying, but that's not really the case. We attempt to provide assistance and, wherever we can, try to make sure that the government's approach, in its relationship with the government of Canada or with other provinces, is consistent.

It's very easy for the Minister of Health (Mr. Miller) to think one thing makes good sense in his area of the province, and for the Minister of Natural Resources (Mr. Bernier) and perhaps the Treasurer to think that that makes no sense whatsoever.

More than anything else, I think, we do try to get our direction, not just from the Treasurer but from cabinet as a whole and from the Premier, as to our intergovernmental stance, our posture and our policy, and then we try to ensure that there is a consistency of approach.

I have digressed a little bit from what I wanted to say, but I suppose that is the sort of relationship that is breaking down, but it depends, among other things, on the time of the year. When the Treasurer is busy, as he is for a couple of months of the year, then the Minister without Portfolio probably is taking on many more responsibilities of a diverse kind than he would during the remainder of the year. Generally, the responsibility for the county restructuring programme, for the legislative programme of the ministry, which remains large, for local government organization and for local government services will be, I think, the responsibility of the Minister without Portfolio with responsibilities for municipal affairs.

A member asked how it stacks up compared to having been there before. I go back a step further than that, because we are really talking about three ministries in many ways—well, we are talking about two ministries but with spinoffs to two other ministries. When Municipal Affairs came into Treasury, of course in terms of number of employees or complement—or money for that matter—there were enormous spinoffs at that time into Revenue. There was the assessment programme, which was a big workload for the deputy and for the minister in Municipal Affairs. There was the Ontario Municipal Board, which took some time in terms of appeals or the consideration of appointments; that was spun off to the Attorney General. There were several others at that time.



Since I have come back, the whole plans administration branch—what used to be known as the community planning branch—has gone to the Ministry of Housing. When I was Minister of Municipal Affairs I think it would be fair to say that at least 25 per cent of my time, if not a third and perhaps approaching a half—I would think fairly it could be said up to a half of the time of the then Minister of Municipal Affairs—was spent on matters pertaining to the plans administration branch, the old community planning branch. In fairness, some of that has already reverted to local government.

I got a big kick, in going around the province on my recent tour, from hearing the—oh, there's a word I like to use but I won't use it, I say to Hansard—the complaining about the land division committees, the committees of adjustment and the whole severance procedures. These are committees that are appointed by local governments. Whether the legislation is perfect or not—and certainly I don't think they have had long enough to function to iron out all the wrinkles—I must say in many instances it's music to my ears.

I think of a gentleman in the back row, who is not here at the moment on this side of the House who, when I was Minister of Municipal Affairs—I look at the gentleman who is sitting in the chairman's chair with great dignity tonight, and I see others in the House, sparse as we are in number—were in my office time and time again screaming, complaining bitterly about some minion—that was always the word—some bureaucrat in the plans administration branch who would have not allowed a severance of a farm in township XYZ, and it should have been allowed. One would get into it, and find it was the Minister of Health who held it up, and then it was the local board of health; all that, in the wisdom of the province, in terms of local autonomy, has moved out to the land division committees, to the regional councils, to the local councils, which must be a tremendous burden removed from the Minister of Housing.

But even aside from severances and the problems associated with severances, the whole question of approval of plans for subdivision, of commenting on zoning bylaws of officials plans, all that is moved out of the old Municipal Affairs and out of Treasury into Housing. I don't want to imply that the Minister of Housing is underworked because he, of course, has taken on the matters pertaining to the Ontario Housing Corp.

I should also point out, of course, that when we put Treasury and Intergovern-

mental Affairs together, the work of the Treasurer was substantially reduced because the Civil Service Commission and the old Treasury Board both reported to the Treasurer, with different deputies I think at that point in time. Those were not small responsibilities. There was the whole question of collective bargaining, the ongoing process of Management Board, which has since devolved to my colleague, the Chairman of Management Board (Mr. Winkler). My guess would be that in terms of workload, Treasury, Economics and Intergovernmental Affairs, other than the fact that it takes an awful lot longer to say the name than it used to—I just say Treasury; I refuse to use the long title most of the time—my guess is that, other than saying it, the workload on the minister and the deputy is probably down to what it was before municipal affairs was added, I think, in terms of the spinoffs and the responsibilities which have evolved elsewhere. Then of course with the addition of a minister—either a parliamentary assistant, which I would think would be a must, for certainly a Minister without Portfolio, and particularly the present one—it is that much better. So I think—and I obviously shouldn't say this when I'm asking the House for what I'm asking, whatever I'm asking for—what's our total? Well, I suppose, really, the Treasurer stands asking for approval of \$11.1 billion one way or another, rather than what my own total is—\$450 million. Let Hansard not record that I didn't know the amount I was asking to be voted tonight.

I shouldn't be admitting it at this point in time, but I guess in frankness I would say that I'm not called on to work quite as hard, certainly not as hard as I was three years ago, in terms of what is in front of the ministry, and I suspect not as hard as Mr. MacNaughton was required to five years ago when he was both chairman of treasury board and responsible for the Civil Service Commission, and had Treasury and Economics but not municipal affairs.

Now that's just a guess. I don't think there is any waste of time, because I think to some extent I have a little bit more time to think about issues and to spend with the staff and with outsiders than I had before—be they municipalities or bankers or trade unions or whoever—a little bit more time. And more important, because of the reorganization of government the Treasurer is involved—they might put it the other way—more with other ministries. Whether they necessarily appreciate that or not, I doubt it, but I am able, as is the deputy, to spend



time with the three policy fields as necessary, particularly with two of them. It is not enough time in many ways, but we try to divide ourselves up on Thursday mornings to get those meetings wherever we can where there are times of concern to us, and the Minister without Portfolio will be doing the same thing.

I am still a member of Management Board. I'm not a very good attender, but I attend when I am needed and when there is something which is of particular concern to us. Then, of course, I attend both cabinet and the Policy and Priorities Board.

I am spread more heavily or thinly—whatever I am trying to say. There is more internal committee work. Not because of me or anything I am bringing to bear on the job, but it is important in terms of the economic as well as the financial well-being of the province that Treasury does have—I hate to say it but perhaps that's what it is—its tentacles out in as many areas as we can. This applies not just to Treasury itself but to the minister and/or the Minister without Portfolio and the deputy or his assistant deputy minister who are at a very senior level and particularly at the political level. It is important that we are available.

When we come to some of the items in the estimates—and let me just mention three or four which are not all reflected and this is not by any means all settled—we are continually looking for other items to spin off, which is the word we use, into other ministries. I think we have to work very hard at being a policy ministry. I refer to policy in terms of finances in the province; policy in terms of the economics of the province, both provincially and regionally, economics in the broad sense; policy in terms of local government; and policy in terms of local government financing and organization.

That's the role. It is a policy ministry and we are trying to strip out and spin off those things which are administrative or management. Our complement this year has been reduced from 823 to 778. When I was in Treasury before, the complement, as I remember, was something like 1,100 or 1,200. We have come down. I am satisfied that we have further to go. Some of the things that we have been involved in we are now out of and have moved the staff. This doesn't reflect in the estimates, but we will get to them. Some of them were moved before the estimates and others were moved as of, I think, July 1 and we are still picking away. Haldimand-Norfolk has moved to the Ministry of

Housing. North Pickering has moved to the Ministry of Housing, Ontario Land Corp. still is ours but as the financing vehicle only. There are no staff involved.

What else did I write down? We have to move Wasaga Beach at some point or another to the Ministry of Natural Resources. That isn't tied down as yet. As for townsites development, we obviously have a role in terms of regional economic planning in townsites development in northern Ontario. I am now moving away from southern Ontario a bit. We expect to be involved very much in the initiation and where they should be and perhaps getting them going. Ultimately, they become ours again because 10 years from now they become a full-fledged municipality, perhaps.

In the interim we think there is probably a more appropriate ministry to carry the planning, the building and the assistance forward. We are not entirely sure at any given moment. At some instance it may be the Minister of Natural Resources, at some instances it may be the Minister of the Environment or it may be the Minister of Industry and Tourism à la Edwardsburgh where that properly is lodged. Those are just some of the examples.

My own view is that the northern affairs aspect of the Ministry of Natural Resources—and I know this is of interest to my friend from Thunder Bay—has a much larger role to play in the north than perhaps it is doing presently, and Treasury has a correspondingly lesser role in the ongoing programmes. They have the offices, they have the staff, they have the name—the very great name in northern Ontario—and the proven track record. But as a matter of general government policy, and as far as Treasury policy is concerned, I am not anxious to duplicate in any way or appear to duplicate what is there. So, we are looking for those things all the time, not always with success. Some people just don't want to take some of the fine programmes that we have. I won't tell the House what those are, but we have trouble.

My colleague on my left, the Minister of Government Services (Mr. Snow), should be doing some of the things that we are doing. The whole municipal subsidies operation perhaps should be in Government Services or in the Ministry of Revenue.

**An hon. member:** I wasn't wrong.

**Hon. Mr. McKeough:** We are not sure. But those are the things we are looking at further to reduce the workload of, not Treasury itself, but the minister and deputy—who

must be protected at all times; no, I am being facetious—but to try to keep it a policy ministry.

I am not surprised that my friend, the member for Thunder Bay, would have heard from some municipalities that they are a little concerned and confused. I think this will take a little time to sort out. Basically, I think Treasury's ongoing involvement in local government will be organization and advice—clerk-treasurer sort of thing; local government finance, certainly; local government services, certainly. But, police will be through the Solicitor General; fire through the Solicitor General; sewer and water through the Minister of the Environment; health and welfare through the social development policy field. Generally, planning is at the micro-level, as opposed to a regional plan. That line shifts, and I am the first to admit that it shifts back and forth in the Ministry of Housing.

With what is now suggested to be moved—the planning policy branch and local planning policy—I doubt very much whether really any of the Planning Act will be left with the Treasurer. It is now nearly all in the Ministry of Housing. I would expect that our recommendation to the Planning Act review will be, "For heaven's sake, get it all over there; or split it off into two Acts; if there is something we should still have separated out." Thus, the municipalities clearly understand that the Planning Act generally will be the Act of the Minister of Housing, rather than ours.

That's a long answer. What didn't I answer that the members might like to have had answered or discussed?

**Mr. Stokes:** I just want to get clarification of one thing. I want to thank the minister for his answer to that question, and get some insight into how he sees the ministry functioning. But will the Treasurer give me some assurance or give the municipalities some assurance that he will still maintain the function for overseeing all of the spending of all the ministries?

I am thinking in particular of his regional priorities budget, because frankly, Mr. Chairman, I was quite impressed with the minister and his grip of what is going on with other policy fields—whether it be the justice policy field, or whether it be the social development field or the resources development field.

If there isn't somebody to whom those municipalities can come and talk directly—if they have to go and deal with four or five

ministries—I am telling you that they become so frustrated and so disillusioned that they don't know which way to turn. I think this minister has the capacity to co-ordinate and have an overview of their needs.

Of course, the meeting that we had last Tuesday was an excellent example of that. I know that all of the participants were very appreciative of the minister's interest and his knowledge of their problems and the interest that the minister showed in them. I would like to have some assurance from the minister that he will continue that role, because it takes somebody who has that overall view of the thing and the authority to cut through the red tape on their behalf in order to get the show on the road. As you know, the very thing we were talking about last Tuesday has to have some overall co-ordinating presence in order to make the thing work. Without that kind of presence these things will not come to fruition at all, and I would just like that assurance from the minister.

**Hon. Mr. McKeough:** I can't assure you that it's always going to be Treasury. We often find we are filling this role by default or because it isn't clear whose responsibility it is.

In the particular case my friend has mentioned in terms of the five municipalities affected by Kimberly-Clark's very large expansion there's a population of—what did we guess the other day?—roughly 9,000 people in those five municipalities. We are looking at a very quick growth of probably a minimum of 6,000 people; and if there is some mining activity 6,000 is just the beginning, so it's a tremendous growth over the next three or four years.

Who should be responsible? The initiators, I suppose, were Natural Resources; Industry and Tourism has an interest; the Ministry of Housing has an interest, a large interest. The whole social development field does, in terms of hospitals, community services, education and so on. The Ministry of the Environment is going to be called on.

Who brings all that together? It has quite often been Treasury—and there are several other examples—through the regional development branch or somehow or another, which has been thrust into that role and we will follow this one through.

I am not sure we are always the right people to be doing it; perhaps somebody else should be doing it but I am not sure who. The Provincial Secretary for Resources Development (Mr. Grossman) and the govern-



ment are coming to the view—not coming to the view; but in a case such as the Kimberly-Clark expansion, the first thing will be to identify very quickly—which can come from anywhere; perhaps from the hon. member himself—that there is an emerging problem. Particularly, the Provincial Secretary for Resources Development and his staff, small as it is—the half-dozen people he has—will ensure that some ministry will do it; perhaps he will use his own little staff but more often he will designate a lead ministry.

In the case of Kimberly-Clark, it might have been the Ministry of Natural Resources, to which he'd say: "Okay, let's put everybody to work on this. You, the Minister of Natural Resources, put together a team from the various ministries which are affected. Your guy chairs it and your guy reports to the Minister of Natural Resources." It may work that way. That's the lead ministry concept.

I would imagine in a number of instances it is going to be Treasury and it may vary between northern and southern Ontario. I can assure the member that because of our concern for the municipalities we are always going to be involved and we must be. It is all very well for the Minister of Natural Resources and the member for Thunder Bay to congratulate each other on the magnificent expansion plans of Kimberly-Clark; it is the poor old municipalities for which I am responsible who have to pick up the tab.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** I don't think there's much point in continuing, Mr. Chairman. I wanted to say some words about the criticisms which have been made of the minister's role as chief planner for Ontario by the central Ontario lakeshore urban complex task force. Unfortunately the time has run out for this evening.

I was interested in what the minister had to say before, because it seems to me he should have more time to engage in concerning himself with the planning of the province. It's a pity, in my view, that he isn't using that time more fruitfully. I see it's 10:30 o'clock and I don't know whether we will have a chance to get to this estimate again before the election. It's a pity we can't get the matter on the record, but perhaps we can try tomorrow.

**Hon. Mr. McKeough:** Keep going. They are waiting for the report.

**Mr. Chairman:** The member for Ottawa Centre may wish to continue.

**Mr. Cassidy:** In that case, I will say a few words, Mr. Chairman; thanks very much.

The minister spoke in a fairly discursive way. I want to keep the same tone and try not to get too controversial with him. I do want to express, on behalf of my party, grave concern with the way in which the planning of the province is proceeding and, in particular, the planning of the Toronto-centred region because so much of the economic activity of the province is in this region. It's a theme we have returned to a number of times in the past. In fact, I looked at some notes from the 1972 estimates for this ministry—two or three Treasurers ago, when Mr. McKeough was then the Treasurer—and find that the themes have changed very little.

However, I have with me a report of the minister's own planners along with other people from the regional municipalities concerned. Since he's more liable to listen to his own people than to New Democrats, I would suggest that we have here a damning indictment of the way in which provincial planning for the Toronto-centred or Lakeshore region has proceeded over the last 10 years. The fact is that the Toronto-centred region programme is failing and that the planners find it very difficult to see how it's going to work. They put forward some very serious recommendations to the ministry about how to make it work, but they express grave doubts that the ministry will actually do so.

The COLUC plan, Mr. Chairman, is intended to be a refinement of the Toronto-centred region plan. It proposes that there be four economic sub-regions as alternatives to Toronto—which would be north of Metro, in Oshawa, in Mississauga and in Hamilton. The planners confirm many things that we've said in this House on regional government bills—for example, about the confusion that is created by the existence of both the Halton and Peel regional municipalities—and they confirm the problems that we have suggested to the ministry about its failure to do anything concrete to take growth to the east.

The one concrete measure which the government has taken to move growth to the east to implement the Toronto-centred region plan has been the creation of a new town in Pickering. That's been cut down a couple of times, it's too close to Toronto to be effective, and there are grave concerns that that will work at all.



**Hon. Mr. McKeough:** I think if I might interrupt the member, I gather we are not waiting for downstairs now, so perhaps the member might find it convenient to adjourn the debate.

**Mr. Cassidy:** The minister tantalizes me. He talks in the most discursive fashion possible, and then lets me go on and then I have to end. You know, Mr. Chairman, when I ask the minister questions he replies in monosyllabic grunts. However, when the member for Thunder Bay asks, his strophes are endless. All right, we'll return to this matter tomorrow.

**Hon. Mr. McKeough:** It depends on who you are. He is a very decent chap doing a decent job.

**Hon. Mr. Winkler** moves the committee rise and report.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the com-

mittee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, tomorrow we will proceed with item 13, Bill 143, then we'll return to the estimates of the Ministry of Treasury, Economics and Intergovernmental Affairs. The Treasurer (Mr. McKeough) cannot be with us tomorrow evening, so if the debate goes beyond that period of time we will be discussing the budget tomorrow evening.

**Mr. M. Cassidy** (Ottawa Centre): On a point of order, Mr. Speaker. Since I was in mid-flight, more or less, did the minister say the Treasury estimates would come back tomorrow?

**Hon. Mr. Winkler:** Right.

**Mr. Cassidy:** Treasury? Okay, that's fine.

**Hon. Mr. Winkler** moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:35 o'clock, p.m.

## CONTENTS

Monday, July 14, 1975

Insurance Amendment Act, Mr. Handleman, second reading .....	3987
Third reading .....	3994
Dog Licensing and Live Stock and Poultry Protection Act, Mr. Winkler, second reading .....	3995
Third reading .....	3996
Estimates, Ministry of Treasury, Economics and Intergovernmental Affairs,	
Mr. McKeough, continued .....	3996
Motion to adjourn, Mr. Winkler, agreed to .....	4012













# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Tuesday, July 15, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

## LEGISLATIVE ASSEMBLY OF ONTARIO

---

TUESDAY, JULY 15, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

### COMMUNITY-SPONSORED HOUSING

**Hon. D. R. Irvine** (Minister of Housing): Mr. Speaker, last Friday the advisory committee on community-sponsored housing raised a number of issues concerning community-sponsored and non-profit housing in Ontario. Before dealing with those issues, I would like to review the status of such programmes in this province.

In 1974 the federal government allocated \$58 million to Ontario for non-profit and co-operative housing under sections 15.1 and 34.18 of the National Housing Act. Ontario projects that year took up 105 per cent of those allocations.

This year the federal government has allocated \$55.8 million for non-profit housing under section 15.1 and \$15.9 million for co-operative housing under section 34.18.

Today, my staff checked with Central Mortgage and Housing Corp., and I am told CMHC has already committed \$10.5 million under section 15.1, is processing applications for another \$41 million and is negotiating a further \$10 million in applications. In other words, Ontario once again will exceed its allocation. Under section 34.18, CMHC has committed \$7.5 million, and we fully expect to use the balance before the end of the year.

In addition to this mortgage funding by CMHC, my ministry offers rent reduction grants, which the province finances 100 per cent, and rent supplement grants, which we share with the federal government and the municipalities. These programmes have been in operation for just one year, but we have already committed the province to fund more than \$8 million in rent reduction and almost \$5 million in rent supplements. Both grants and supplements are paid over the next 15 years.

**Mr. Speaker,** what I want to point out is that the community-sponsored and non-profit housing movement is very healthy and very

active in Ontario. It is receiving our full support as far as actually building housing units is concerned.

The issue raised by the advisory committee is quite separate. It is, in effect, the matter of public funding for regional resource groups that want to help other non-profit organizations develop and manage housing.

As I said last Thursday, we are still trying to work out a system to accomplish this. We feel it must be done in co-operation with the federal government, which is also active in this area.

On April 18, I wrote to Mr. Danson with certain suggestions. He replied on May 27 and I want to quote from his letter in regard to regional resource groups:

I suggest, rather than respond on a purely regional basis, it is more important to place limited funds on a very selective basis in support of demonstrated need for resource assistance, regardless of location.

I suggest that our officials examine this approach with a view to determining potential recipients of CROP [Community Regional Organization Programme] and provincial funds. This review will also provide our officials with the opportunity to ensure the co-ordination of the federal and provincial programmes on a complementary basis.

In response, my officials are arranging to meet with CMHC representatives, and I expect that meeting to take place shortly.

As I said Thursday, I will see that sector support funds are allocated just as soon as I am convinced the money is being well spent, and that of course means it must complement the federal initiatives, as Mr. Danson has suggested.

I hope the matter will be resolved very soon to everyone's satisfaction. If there has been a delay, it has not been because of the provincial government or my ministry. Thank you.

**Mr. Speaker:** Oral questions. The hon. Leader of the Opposition.

## COMMUNITY-SPONSORED HOUSING

**Mr. R. F. Nixon** (Leader of the Opposition): I would like to ask a question of the Minister of Housing based on his statement and on the statements made by his advisory committee, which led to his comments today.

How can he justify his final sentence, where he said he is not responsible for these problems, when his own advisory committee has charged him with deliberately obstructing the programme, consistently making himself unavailable to the advisory committee for four months and repeatedly acting in bad faith in regard to the specific programme?

Is he going to fire the advisory committee or is he going to continue bringing them in here and paying their expenses, at a rate of \$31,000 according to the news reports, without at least listening to their advice?

**Hon. Mr. Irvine:** Mr. Speaker, the comments made by the advisory committee are indeed regrettable as far as I am concerned.

**Mr. R. F. Nixon:** They were very critical. They said the minister is to blame; his own advisory committee says he is to blame.

**Hon. Mr. Irvine:** Just a minute. Let me finish. Then the Leader of the Opposition can ask a supplementary or as many questions as he wants.

**Mr. D. C. MacDonald** (York South): It's a new day when Tory appointees are criticizing a Tory minister.

**Hon. Mr. Irvine:** I met with the advisory committee and told them my concerns as well as telling the federal government. As I said in my statement, I wrote to the federal government outlining our concerns. The federal government in return is not sure as to what action we should take. We have said repeatedly that we are not in the business to give someone a job, regardless of whose friend he is. That's exactly what might happen. What I want to do is to make sure—

**Mr. V. M. Singer** (Downsview): What about building houses? Why not build a house or two?

**Hon. Mr. Irvine:** The \$300,000 would be much more practical in housing, as far as I am concerned, if it is needed. If we find a method, which I think we will, to provide some sector funds, fair enough, but the proposal that came to me in the first instance was much too rich for our blood and it was going to cost the province too much money

and the taxpayers would not stand for it. I think there is a better way of handling this particular group. If the advisory committee are not satisfied with what has gone on to this date, there is one course open to them and they know full well what that is.

**Mr. R. F. Nixon:** What about the course open to the minister?

**Hon. Mr. Irvine:** As far as I am concerned, there is a role for them that they can play, but I think they have to be responsive to the needs of the people.

**Mr. R. F. Nixon:** There is a place for them.

**Hon. Mr. Irvine:** If the Leader of the Opposition thinks it is necessary to have five or six regional groups, that view isn't shared by my colleague in Ottawa and it isn't shared by me. I can tell the hon. member right now that I don't think it will meet the needs of the people.

**Mr. R. F. Nixon:** A supplementary question: I would also like the minister to comment on the statement made by a spokesman for the advisory committee that only about \$9 million has been spent of Ontario's federal allocation of \$16 million for co-operative housing. Would the minister agree, although he has checked with CMHC as to the utilization of these funds, that in fact the funds the advisory committee is concerned with remain unutilized; that in fact it is the minister's policy that is at fault, that he cannot blame either the municipality or the federal government and that in fact the advisory committee is publicly pointing out the shortcomings in the minister's policy?

**Hon. Mr. Irvine:** Mr. Speaker, once the hon. Leader of the Opposition has had a chance to read my statement he will recognize the fault lies with the federal government in not providing us with enough funding. We spent 105 per cent last year. We will spend more than 100 per cent this year. If my hon. friend thinks I am at fault in spending too much money on housing, then I would be happy to hear him say that. So far he has said I haven't spent enough.

**Mr. R. F. Nixon:** The minister's advisory committee says he is at fault. They say he is deliberately obstructing—

**Hon. Mr. Irvine:** Well, I am certainly not deliberately obstructing. As a matter of fact—

**Mr. R. F. Nixon:** They say the minister repeatedly acts in bad faith.



**Hon. Mr. Irvine:** Well, the member knows I can't be responsible for irresponsible statements.

**An hon. member:** They are his people.

**Mr. Speaker:** Order.

**An hon. member:** I hear it every day over there.

**Mr. MacDonald:** Who appointed this committee?

**Hon. Mr. Irvine:** I didn't.

**Mr. R. F. Nixon:** Supplementary: Is the minister going to terminate those people, or is he going to continue paying their expenses to bring them in from across the province and then refuse to even talk to them?

**Hon. Mr. Irvine:** Mr. Speaker, I never refuse to talk to anyone who has a legitimate cause. But what we want to make sure, as the Leader of the Opposition knows—

**Mr. R. F. Nixon:** On a point of order; the advisory committee said the minister directly refused to contact them for four months.

**Hon. Mr. Irvine:** Who has the floor, Mr. Speaker, the Leader of the Opposition or myself? On the point of order—I am sorry I didn't hear the member. What did the member say?

**Mr. R. F. Nixon:** I am finished now.

**Hon. Mr. Irvine:** As far as the expenses are concerned, I don't think it's necessary to bring someone from Thunder Bay or someone from Sudbury in every month.

**Mr. R. F. Nixon:** The minister has been doing it.

**Hon. Mr. Irvine:** No, I am saying to the members that we told them to stay at home until we had the federal agreement as to what programme was most acceptable for the Province of Ontario. That's what I told them.

Now I have not refused to meet them deliberately. I refused until I had the word from Mr. Danson as to what we should do. Mr. Danson and his officials have not yet agreed with us as to what we should do. It's a very minor point as far as I am concerned. There are \$300,000 in our budget for sector funding. I am much more concerned about building houses. I want to build a few houses.

**Mr. R. F. Nixon:** Well why doesn't the minister build some? I don't know how long we can pursue this, Mr. Speaker, but with your permission and for clarification: Did the

minister say that he does not want to bring them in from Thunder Bay and all these places any more? What was the purpose of bringing them in for a full year at a reported cost of \$31,000 if it wasn't to give the minister advice on how these funds, most of them federal, are to be used? Is he going to terminate that advisory committee if, as he says, their advice is not useful to him, and that their stance is—I think he used the word "unfortunate"?

**Hon. Mr. Irvine:** Well Mr. Speaker, in the first instance I didn't appoint the advisory committee.

**Mr. R. F. Nixon:** Oh, it is one of those boards of the Minister of Culture and Recreation (Mr. Welch).

**Hon. Mr. Irvine:** But I accept the advisory committee, and I accept it until such time as it proves not to be of any use to the Province of Ontario.

**Mr. R. F. Nixon:** So it isn't the federal government; it isn't the municipalities; it is the Ministry of Culture and Recreation.

**Hon. Mr. Irvine:** There is no way that I am going to spend \$300,000 just to have one of the member's friends, or some friend over there, get a job; and that's exactly what might happen.

**Mr. W. Ferrier (Cochrane South):** What friends? The minister's friends get lots of jobs.

**Mr. R. F. Nixon:** They are not friends of the Tories. They are friends of the Minister of Culture and Recreation.

**Hon. Mr. Irvine:** What I am saying is that if it is worthwhile and if they promote a worthy programme, fair enough.

Interjections by hon. members.

**Mr. Speaker:** Order, please. The minister is answering the question.

**Hon. Mr. Irvine:** If they don't want to participate, they have every right to resign. I hope they don't until we have a chance to talk to them.

**Mr. R. F. Nixon:** Why doesn't he fire them?

**Hon. Mr. Irvine:** I don't intend to.

**Mr. Speaker:** Supplementary? This will be the last supplementary.

**Mr. M. Shulman (High Park):** I wonder if the minister would give us the name of this

person who he thinks is so foolish and who did appoint the advisory committee?

**Hon. Mr. Irvine:** Well Mr. Speaker, I don't think it was a foolish move whatsoever. I think there was a need for the advisory committee, but I think it depends on how much money you spend on that advisory committee and **how it is spent.**

**Mr. Shulman:** Who was it? The question was, who appointed them?

**Hon. Mr. Irvine:** It certainly was a very wise minister. I suggest that it could be my colleague, the Minister of Culture and Recreation. I would suggest that.

**Mr. Speaker:** Does the Leader of the Opposition have further questions?

#### PROVINCIAL HEALTH CONFERENCE

**Mr. R. F. Nixon:** I would like to ask the Minister of Health about the status of his famous conference. Has he replied to the Minister of Health from Alberta who said that he did not want to attend because he felt it would "exacerbate provincial-federal relations"? It sounds like the limits of—what is that word the Premier used the other day?

**Mr. Singer:** Fatuosity.

**Mr. R. F. Nixon:** Fatuosity.

**Mr. J. E. Bullbrook (Sarnia):** He will never make a Premier if he can't remember fatuosity.

**Hon. W. G. Davis (Premier):** I have got rows for the member for Sarnia.

**Hon. F. S. Miller (Minister of Health):** Mr. Speaker, unlike the members opposite, I am not afraid to admit when I am running into trouble and I did.

**Mr. R. F. Nixon:** Do it again.

**Mr. T. P. Reid (Rainy River):** It is all over his face.

**Mr. J. F. Foulds (Port Arthur):** The minister is not afraid to take another run at it either.

**Hon. Mr. Miller:** I am relatively satisfied with the way things are coming. I can't say when a meeting will be held or where, but I am reasonably sure one will be held.

**Mrs. M. Campbell (St. George):** In September.

**Mr. R. F. Nixon:** Supplementary: Does the minister agree with the Conservative Minister

of Health from Alberta, that in fact at least one of the supplementary aims of the conference is to exacerbate federal-provincial relationships? I presume that's a bad thing to do.

**Hon. Mr. Miller:** The last time I heard that word it was with something like Excalibur.

**Mr. Foulds:** Back to King Arthur and the Round Table.

**Hon. Mr. Miller:** That's a new car. That's the one that the member for High Park drives, isn't it?

**Mr. Shulman:** How did I get into this?

**Hon. Mr. Miller:** No, I don't think they could be exacerbated any more.

**Mr. R. F. Nixon:** If I may just ask the minister, what are his plans for a special conference of health ministers? Is there a date set and is he going to have the participation of at least a reasonable number of the provinces; or do the ministers of health agree with us that he is simply setting himself up for a political fall on this?

**Hon. Mr. Miller:** Mr. Speaker, quite honestly, when I made my statement in the House, if the Leader of the Opposition will refer to it, I said I would meet anytime, anywhere with the other health ministers of Canada. I then sent a wire, knowing it had to go to nine other ministers, and suggested a time and place. That wasn't acceptable to at least three provinces in terms of time and place.

**Mr. R. F. Nixon:** What time was it for?

**Hon. Mr. Miller:** It was today.

**Mr. J. R. Braithaupt (Kitchener):** Tomorrow starts today.

**Hon. Mr. Miller:** Their first reaction was to say no. However, in talking to them on the telephone, all but one province seem to be agreeable to the holding of a conference and to the community of interest that the provinces have in opposing this unilateral change of agreement imposed on us by the federal government.

**Mr. R. F. Nixon:** What was the one province?

**Hon. Mr. Miller:** The one province was Alberta.

**Mr. Singer:** What about Quebec? What do they say?

**Hon. Mr. Miller:** Quebec was quite happy to come as long as there was western representation. We are coming along quite nicely. I have talked to two of the ministers personally out west. I understand that my staff are talking to others and that times and places are being arranged.

**Mr. R. F. Nixon:** Any place, any time.

**Mr. Speaker:** Further questions?

### LABOUR DISPUTES

**Mr. R. F. Nixon:** I'd like to ask the Minister of Labour if he can report on two situations that are obviously going to have a substantial impact on our economy. The one has to do with the construction workers here in Toronto and the other seems to be the worsening situation with the pulp and paper workers, both here and in BC. Is the minister aware, according to reports today, that a special mediator has been appointed in BC? Will his recommendations have some influence here, or are we going to have a parallel mediation in this province since the importance of that industry is undoubted?

**Hon. J. P. MacBeth** (Minister of Labour): Mr. Speaker, Mr. Dickie has been working with both the construction industry across the province and with the paper industry. Earlier this year, after considerable negotiation, we had what we feel was a reasonable settlement with the outside workers, the wood cutters in the pulp and paper area, and now we're dealing with the paper people themselves.

It's not going to be easy. We've been in consultation. I've met with some of the management people. I haven't met with the labour people in regard to it, but I have met with some of the management people. It has been long and I think we'll be a little while yet.

We have had, in the last few weeks, a great many strike situations across the province, not just in pulp and paper, but in the mining industry and the construction industry. Our list of strikes is as great at the present time as it has been in a long time, but I'm quite pleased that many of them are working their way out. Certainly in the construction field they are settling down. The carpenters are just the latest development but some of them, as I say, in the construction field, where it appeared worse than the carpenters' situation, have already worked out an agreement. I think that left with it, the same will happen with the carpenters.

One of the bad situations, as the member for Sarnia will know, was the construction

industry in Sarnia. That was straightened out just last week. I'm not going to suggest we should do anything special about pulp and paper, but leave it with the people who are working it out. Similarly, with the carpenters in the Metropolitan Toronto area, I'm satisfied that my people are doing the best job they can and that, left with it, these things will work out in time. I think this is the proper procedure for strike situations to materialize in that way.

**Mr. R. F. Nixon:** Supplementary, if I may: Is the minister prepared to at least consider the appointment of a special mediator in the pulp and paper industry, because as he says, Mr. Dickie and his staff are extremely busy with many of these strikes or at least the problems in the labour-management field? Also there is the importance of the industry to the economy of northern Ontario and to all of us?

**Hon. Mr. MacBeth:** Mr. Speaker no, not at the present time. When the Leader of the Opposition asks if I am ready to consider it, I say not now. But if something doesn't develop in the near future, then perhaps that will change the picture. We are on top of it at the present time. I don't see any need for any special body other than those who are presently looking after it.

**Mr. Speaker:** The member for Sarnia, a supplementary.

**Mr. Bullbrook:** Mr. Speaker, by way of supplementary, recognizing some repetition since I have advocated this—I believe Hansard would disclose—four times over eight years, would the minister and his cabinet colleagues entertain with respect to this particular industry the imposition of some type of co-terminous position with respect to these contracts, which wouldn't in any way fetter the true, free, collective bargaining process, but would bring some stability for at least a certain term to that industry?

**Hon. Mr. MacBeth:** Is it the construction industry the member is referring to?

**Mr. Bullbrook:** Yes, to the construction industry.

**Hon. Mr. MacBeth:** We were dealing with two, the pulp and paper and the construction. I assumed he meant the construction.

**Mr. Bullbrook:** I mean the construction industry.

**Hon. Mr. MacBeth:** Mr. Speaker, at the present time there is a committee appointed



by myself as Minister of Labour looking into the construction industry. I hope the results of its investigation will result in possible legislation whereby we can widen the bargaining area in the construction field.

I don't expect they will have a report for us probably until the end of the year. By that time, I hope that they will have some constructive suggestions to make so that we can widen the bargaining areas, get a little less of the see-sawing involved and probably lengthen the terms of some of the contracts. I don't know what they will suggest but that committee is at work at the present time.

**Mr. Bullbrook:** One supplementary more, if I may: Recognizing that one requires, and that we on this side have advocated for years some type of select committee or royal commission to look into the collective bargaining process, surely it is not too much for the government to recognize the need at this time for the imposition of coterminous positions in the construction industry, recognizing as we do that the recent settlements made in Sarnia and elsewhere are creating an inflationary cycle from which we might never recover?

**Mr. Speaker:** The member for Stormont has a supplementary.

**Mr. G. Samis (Stormont):** Could I ask the minister, by way of supplementary Mr. Speaker, if he feels the series of ads placed by the pulp and paper association are having a harmful effect on a possible settlement between the papermakers and the paper industry in Ontario?

**Hon. Mr. MacBeth:** Mr. Speaker, it is their privilege to do this. Generally speaking, I think that type of action on behalf of the employer often delays settlements, but sometimes the employers are not satisfied that the story is getting across to the workers involved. It is certainly their right to do it if they see fit to do so.

**Mr. Shulman:** Supplementary, Mr. Speaker?

**Mr. Speaker:** This will be the last supplementary.

**Mr. Shulman:** Is the minister aware—in fact I know he is aware—and what is the minister doing about the fact that one of the reasons for unrest in the construction industry among the labourers is the fact that they have been forced recently to accept a contract which they voted unanimously against but which has been stuffed down their throats because

it was signed in Washington; and the minister refused to interfere?

**Hon. Mr. MacBeth:** Mr. Speaker, I don't know what that reference is to.

**Mr. Shulman:** I sent the minister a copy of the correspondence. How could the minister not know about it?

**Mr. Speaker:** Has the hon. Leader of the Opposition any more questions?

**Hon. Mr. MacBeth:** Mr. Speaker, I would like to follow that further. The case the member is referring to is one where the parent union was an American union. I have forgotten what the union was and whether it was construction or not.

**Mr. Shulman:** Labourers.

**Hon. Mr. MacBeth:** In any event, by their own internal arrangements, part of their own constitution provides an overriding clause for the parent organization.

**Mr. Shulman:** What difference does it make? The minister is the government; and it is wrong.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** What is the member's party's view on that? They are all stricken dumb. They are not saying a word.

**Mr. Speaker:** Order please. The minister is answering a question.

**Hon. Mr. Grossman:** They disagree with the member.

**Hon. Mr. MacBeth:** If their local union wants to be a part of that sort of union, then they have to accept, I suppose, the constitution that goes with being a member of that union. They have their own way out if they want to take it.

**Mr. Shulman:** The minister represents the Ministry of Labour, doesn't he insist on votes?

**Hon. Mr. MacBeth:** We have quite a bit of latitude in the Ministry of Labour, but we don't try to tell either party under what terms it must bargain. These people have chosen to bargain on those terms; and being a part of that union, then they have to accept the constitution of the union to which they have agreed to belong.

**Mr. Speaker:** The hon. member for Wentworth.

## REMOVAL OF SALES TAX FROM AUTOMOBILES

**Mr. I. Deans (Wentworth):** Mr. Speaker, I have a question of the Treasurer. Can the Treasurer table or provide for the House the legal documents supporting the position taken by the Province of Ontario that the rebating of the five per cent tax on automobiles introduced a week and a half ago by the minister, as part of his mini-budget, is not in violation of the GATT agreement, as has been claimed by Alastair Gillespie, the Minister of Trade, Industry and Commerce in Ottawa?

**Hon. W. D. McKeough (Treasurer, Minister of Intergovernmental Affairs):** Mr. Speaker, there are no agreements.

**Mr. Deans:** No, the legal documents supporting the position.

**Hon. Mr. McKeough:** I don't know that there are any legal documents at this moment. I think there are a number of opinions. Assuming that at some point they have been transcribed into written documents—they may well have been by now but I have not seen them—I will be glad to undertake to do that. I don't believe they have at this moment. I think, as far as I'm concerned, there have been verbal opinions of varying degrees.

**Mr. Deans:** A supplementary question: Was the matter of the possible violation of the GATT agreement considered by the government prior to the implementation of the five per cent rebate?

**Hon. Mr. McKeough:** Yes, Mr. Speaker.

**Mr. Shulman:** A supplementary, Mr. Speaker: If it turns out, some weeks or some months hence, that the government has violated the GATT agreement, I wonder which course of action the minister is going to follow? Is he going to go back to all the people he has sent cheques to and ask them to send the money back?

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** We won't ask the member for High Park to pay for it.

**Mr. Shulman:** Alternatively, will he go to all the people who have bought foreign cars and give them a rebate? I'm just wondering which course he will follow.

**Hon. Mr. McKeough:** Mr. Speaker, I think that's a very hypothetical question.

**Mr. E. W. Martel (Sudbury East):** I don't think so. According to the federal minister, it's against the agreement.

## UNEMPLOYMENT

**Mr. Deans:** I have a further question of the Treasurer. Can the Treasurer indicate whether the federal Minister without Portfolio in charge of Manpower has made any recommendations to him with regard to the possibility of developing further job opportunities or employment opportunities in the Province of Ontario to offset the increase in unemployment shown this month, which is some 3.2 per cent over the month of May? In particular, have there been recommendations from the minister in charge of Manpower with regard to special initiatives by this government to offset this extremely high rate of unemployment among students? It's the highest in recent history.

**Hon. Mr. McKeough:** Yes, Mr. Speaker.

**Mr. Deans:** Would the minister care to enlighten the House and the public as to what initiatives are being undertaken by the government to offset what is now the highest rate of unemployment in the Province of Ontario in recent history?

**Hon. Mr. McKeough:** Mr. Speaker, I think the actions of the budget of April 7 and the supplementary actions of July 7 are the government's response to the member's question.

**Mr. Deans:** A supplementary question: Can the minister explain—or can the minister provide the figures which show—what the unemployment rate in the Province of Ontario would have been, by projection, had the measures taken by the minister not been in force; given that unemployment now has risen by 3.5 per cent over last month, despite the fact it should now have begun to reflect the benefits which ought to have flowed from the budget?

**Hon. Mr. McKeough:** I'm quite sure our figures are reflecting the benefits from the budget. What they also reflect, unfortunately, is the complete abdication of leadership by the government at Ottawa.

## AID TO STUDENTS

**Mr. Deans:** I have a question of the Minister of Colleges and Universities. Can the minister indicate whether, in the month of September, there will be new provisions available to students returning to universities and colleges, or attending for the first time, who were unable to obtain summer employment due to the inactivity and inability of this government to produce employment in this sector?

**Hon. C. Bennett** (Minister of Industry and Tourism): Get off it.

**Mr. D. W. Ewen** (Wentworth North): Why don't they work on the farms? The farmers are crying for help.

**Hon. J. A. C. Auld** (Minister of Colleges and Universities): Mr. Speaker, it seems to me I indicated during the course of our estimates that the prognostications at that time indicated there would be some students who would be unable to find summer employment. There are provisions for an appeal and if the student can indicate he or she was unable to obtain summer employment additional funds can be granted through the Canada Student Loan Plan. We were making provision for an improvement in the appeal process, for speeding it up, so there should not be delays this fall.

**Mr. Deans**: A supplementary question: Wouldn't it make more sense to put the programme in front of the students now while they are having to make a determination as to whether they can or cannot attend university, rather than have them register and go through a two-month waiting period hoping to get more money but never being quite sure?

**Hon. Mr. Auld**: Mr. Speaker, the details of the plans we have formulated are in the hands of the student awards officers in the various colleges and universities at this time.

**Mr. Deans**: Can the minister guarantee there won't be the normal two to three-month waiting period while students process their appeals and while the ministry administration takes its time determining whether or not more money can be made available? Can the minister further indicate how much more money has been budgeted to offset the high rate of unemployment and the lack of employment opportunities among students?

**Hon. Mr. Auld**: Mr. Speaker, my anticipation is there should be less delay this year in appeals than there has been in the past. However, looking at unforeseen circumstances such as some of the ones we ran into last fall, of which the hon. member is aware, I really can't predict that there will not be some delay.

As far as additional funds are concerned, I indicated a moment ago that the additional funds will be from the Canada Student Loans portion of the programme. I also indicated earlier, in the estimates and subsequently, that the amount budgeted for student aid in bursaries in the provinces was being increased to

\$46.5 million this year from something in the order of about \$40 million at the end of the last fiscal year.

**Mr. M. Cassidy** (Ottawa Centre): Supplementary: Mr. Speaker, since there now are students across the province, many of them from low-income families, who have not been able to get jobs, and since it's the middle of July and two months of their summer is thereby passed, will the minister open up the appeals process now so that those students can begin to have an assurance they will be able to go back to university in the fall, rather than delaying the beginning of the appeals process until Sept. 20?

**Hon. Mr. Auld**: Mr. Speaker, it being July 15 and there being some six weeks of the summer left, I don't know how somebody can make a valid application by saying he or she has been unable to obtain summer employment.

**Mr. Speaker**: Has the member for Wentworth further questions?

#### OMB HEARING

**Mr. Deans**: I have a question of the Attorney General, with reference to an OMB hearing in the city of Hamilton. Does the Attorney General think it proper that the chairman, Mr. Ebers, would (1) rephrase inaccurately questions asked in cross-examination and already answered by witnesses; (2) attempt to indicate during cross-examination the possible train of thought of the questioner to the expert witness; (3) rudely dress down the public questioners regarding their ability to contribute to the hearings; (4) accuse a senior counsel, representing his client, of misleading questioning; (5) intimidate the public and discourage the involvement of the public thereby?

**Mr. Speaker**: Order, please.

**Mr. Deans**: Does he think that's a proper—

**Mr. Speaker**: Order, please. A question of this magnitude should be put on the order paper.

**Mr. Deans**: No, it should not.

**Mr. Speaker**: I say it should be; it is not an oral question.

**Mr. Deans**: It is of urgent importance.

**Mr. Speaker**: If you can cut your question down and ask a straightforward question, all right.



**Mr. Deans:** Okay, right. I am asking, does the minister think that kind of conduct, and there's more, is appropriate for a chairman of an OMB hearing?

**Hon. J. T. Clement** (Provincial Secretary for Justice): Mr. Speaker, I'm not familiar with the allegations made by the member for Wentworth; but no, I would not personally approve of such conduct on the part of anybody conducting any judicial or quasi-judicial hearing, of course not.

**Mr. Deans:** One supplementary question: Will the minister conduct an investigation, and invite the public who were present at the hearings to attest under oath to the conduct of the chairman during the hearings?

**Hon. Mr. Clement:** Mr. Speaker, I'll be prepared to look into the allegations made by the member for Wentworth, and after having an opportunity to look into them, perhaps I'll be in a better position to respond.

**Mr. Deans:** Don't send Ebers—

**Mr. Speaker:** Does the member for Wentworth have further questions? The member for Rainy River.

#### GOVERNMENT PAYROLL

**Mr. Reid:** Thank you, Mr. Speaker. I have a question of the Chairman of Management Board and House leader. Is it not a fact that on the government payroll he has something like 10,000 employees in the categories of casual, temporary, part-time, seasonal and contract people? Under the provisions of the last budget, how many of these people will not be on the government payroll as a result of the budget?

**Hon. Mr. Winkler:** Mr. Speaker, I don't know if it is a fact or not, but since the answer requires that sort of statistical information, if the member is prepared to put it on the order paper I'll certainly see that it's answered.

**Mr. R. F. Nixon:** The minister doesn't answer those questions.

**Hon. Mr. Winkler:** Certainly I do, and the member knows I do.

**Mr. Reid:** Mr. Speaker, on a point of order, I placed a similar question on the order paper a year and two months ago and I have yet to get an answer.

May I ask, by way of a supplementary, who is responsible for this information? Are these figures kept under Management Board or

under Treasury or under the individual ministries?

**Mr. R. F. Nixon:** They come under the Minister without Portfolio, the member for London South (Mr. White).

**Mr. E. R. Good** (Waterloo North): They are locked in the vault with the Premier's cheques.

**Hon. Mr. Winkler:** No, Mr. Speaker, as a matter of fact they are contained within the responsibility of the Civil Service Commission and are obtainable. I'll get them for the member.

**Mr. Reid:** After a year and a half?

**Hon. Mr. Winkler:** That's not the same question and the member knows it.

**Mr. Speaker:** The member for Kingston and the Islands (Mr. Apps).

**Mr. D. M. Deacon** (York Centre): Mr. Speaker, a supplementary: I just want to know if the minister will take a supplementary question?

**Mr. Speaker:** I didn't allow a supplementary on that. The member for Kingston and the Islands.

**Mr. R. F. Nixon:** He didn't allow a supplementary on that.

**Mr. Reid:** Oh, what do you mean?

**Mr. Speaker:** There was one supplementary from the member for Rainy River.

**Mr. C. J. S. Apps** (Kingston and the Islands): Mr. Speaker, may I beg your indulgence and the indulgence of the Legislature to introduce a very prominent visitor from the federal Parliament in Ottawa, the federal member for Kingston and the Islands, Miss Flora MacDonald, in the Speaker's gallery.

**Mr. R. F. Ruston** (Essex-Kent): Beware of your opposition, the Premier and the Treasurer.

**Mr. MacDonald:** If she runs I'll vote for her.

**Mr. Cassidy:** That's the one Tory I really like, Mr. Speaker.

**Mr. Breithaupt:** That's being damned with faint praise.

**Mr. Cassidy:** Her campaign may have ended just now.

**Mr. Speaker:** Order, please.

## SALES TAX REBATES ON AUTOMOBILES

**Mr. Cassidy:** I have a question of the Treasurer. Can the Treasurer give a forecast of the number of additional cars he expects will be sold in Ontario in the second half of this year as a result of the rebate of sales tax?

**An hon. member:** The UAW wants advice.

**Hon. Mr. McKeough:** No, Mr. Speaker, I wouldn't put that forecast on the record at the moment.

**Mr. R. F. Nixon:** Why doesn't the member run in Oshawa?

**Mr. Cassidy:** Supplementary, Mr. Speaker: Is the minister aware that Ford of Canada has forecast an increase in sales of about 14,200 units, that about 35 per cent of the cars sold in Ontario are made in Ontario, that therefore only about 5,000 additional cars will be made in Ontario as a result of the sales tax rebate, and that out of \$24 million—

**Mr. Speaker:** What is your question?

Interjection by an hon. member.

**Mr. Speaker:** Your supplementary question, please.

**Mr. Cassidy:** Is the minister aware that his rebates of \$24 million will only stimulate the construction of 5,000 additional cars in Ontario and therefore cost about \$4,800 per extra car produced?

**Hon. Mr. Winkler:** Is the member for or against it, that's the question.

**Mr. Cassidy:** And does he consider that an adequate incentive?

**Hon. Mr. McKeough:** Mr. Speaker, I would suggest that someone over there take that little man by the hand down to the UAW and let him have a little chat with them and they'll fill him in on some of the facts of life.

Interjections by hon. members.

**Mr. Martel:** The Treasurer is almost as American as Trudeau.

**Mr. Cassidy:** He sure is, you know.

Interjections by hon. members.

**Mr. Cassidy:** Is the minister aware that when the UAW came to the cabinet—

Interjections by hon. members.

**Mr. Cassidy:** —its prime demand was that the Ontario government act to reduce or

eliminate the differential between Canadian and American prices in automobiles—that that was its prime demand and it has been totally ignored by this government?

**Hon. Mr. Bennett:** No, no, the federal government, let's get it straight.

**Mr. Speaker:** The member for Welland South.

## NIAGARA REGIONAL GOVERNMENT

**Mr. R. Haggerty (Welland South):** Mr. Speaker, I would like to direct a question to the Treasurer. Is the minister now in a position to announce the appointment of a commissioner to review the present operations and functions of the regional government of Niagara?

**Hon. Mr. McKeough:** I am not in such a position; no, Mr. Speaker. I had hoped I would have been several weeks ago and the person I had in mind declined. We are now looking for a commissioner and I would be glad to have the member's recommendation.

**Mr. R. F. Nixon:** She's doing violence on TV; she can't do that.

**Mr. Speaker:** The hon. member for Sudbury. A new question?

## JAIL SENTENCE FOR PARKING OFFENCE

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, a question of the Attorney General: Is the Attorney General aware that on July 11 last Lise Pellerin of Sudbury chose to serve five days in jail rather than pay a \$9 parking ticket in protest against unilingual parking tickets and court summonses? Does the minister not think it would be wiser to spend a few bucks on making the forms bilingual rather than put more dollars into jail construction?

**Hon. Mr. Clement:** No, I was not aware that that individual opted to take five days in jail rather than pay the parking fine.

**Mr. Martel:** The minister got it in writing

**Hon. Mr. Clement:** I think the member for Sudbury has been present in the House when I have had discussions in the past—particularly, I think, with the member for Ottawa East (Mr. Roy)—about bilingual offences under—

**An hon. member:** What are bilingual offences?

**Hon. Mr. Clement:** —both the Highway Traffic Act and the Criminal Code of Canada. It is not any lethargy on the part of the ministry. It's very difficult in some instances because of technical reasons to draft bilingual summonses and that is the reason that we haven't amplified that particular programme.

Interjections by hon. members.

**Mr. Germa:** Supplementary, Mr. Speaker: Is the minister not aware that in a city like Sudbury, which is 35 per cent French speaking, if these people choose to go that route of protest he is going to be in trouble accommodating them?

Interjections by hon. members.

**Mr. Speaker:** Order, please. The minister can't hear the question.

**Mr. Germa:** Is the minister not aware that if the 35 per cent of the people in Sudbury who are French-speaking choose this route of protest he is going to have to expand the jail facilities up there?

**Hon. Mr. Clement:** Mr. Speaker, I am aware that some people in the Ottawa area made a similar type of protest earlier this year. I have been in communication with at least two who have taken time to write me on this particular matter. I was not aware of the incident referred to by the member for Sudbury, but I am aware that a number of people in the Sudbury area, as well as in eastern Ontario and in the Windsor area, are francophones.

**Mr. Speaker:** The hon. member for Downsview.

#### SPECIAL-OCCASION PERMITS

**Mr. Singer:** Mr. Speaker, I have a question of the Provincial Secretary for Justice, as the minister responsible in the policy field for the Liquor Licence Board of Ontario. Does the minister think it is reasonable that the Liquor Licence Board should first, advise an applicant for a special-occasion permit that the premises for which the application was made—the Athena Restaurant at 2057 Danforth Ave.—were not entitled to have such a permit; later say that the privilege to get that kind of permit was discontinued, and subsequently refuse to the solicitors for that establishment any reason, any explanation, or any hearing? Is that not contrary to the new Act that was placed before the House, and shouldn't the Provincial Secretary for Justice be in touch

with the chairman of the Liquor Licence Board and so advise him?

**Hon. Mr. Clement:** Mr. Speaker, I am not aware of the particular incident referred to by the member for Downsview. Am I correct in assuming from his question that the application for a special-occasion permit was made by someone other than the owner of the premises?

**Mr. Singer:** Yes, by the solicitors for the restaurant.

**Hon. Mr. Clement:** I am not aware of it. I will undertake to get back to the member with the particulars. I will find out today and call him and advise him. I just don't know anything about it.

**Mr. Singer:** Supplementary: I would be pleased to make the details available. If I make the correspondence available to the minister, which I will, he will be able to follow the concern more easily. In other words, I will make it available to him.

**Mr. Speaker:** The member for High Park, supplementary.

**Mr. Shulman:** Will the minister also determine if a new policy has been arrived at by the board—inasmuch as this is the second case in as many days, the other one taking place at Seneca College?

**Hon. Mr. Clement:** I do know about that one, and I think the situation here is completely different. The gentleman who wanted to have his marriage reception at Seneca College went out and purchased the liquor without a permit, rented premises in the college at the time, and then made application for the permit—and by the way, that has been corrected in order to accommodate this young man and his bride-to-be.

**Mr. Speaker:** The hon. member for Port Arthur.

#### PSYCHIATRIC HOSPITAL STAFF RECLASSIFICATION

**Mr. Foulds:** Thank you, Mr. Speaker. A question of the Minister of Health: Has the ministry yet instituted—and if not, what is holding up its implementation—a reclassification of recreationists working in the psychiatric hospitals under the ministry, which has been under review, I believe, for some four years and which was promised the recreationists last January by this ministry?



**Hon. Mr. Miller:** Mr. Speaker, I will have to take that question as notice.

**Mr. Foulds:** Supplementary, Mr. Speaker, if I might, so that the minister can understand the question in its entirety: While he is making the investigation, can he not investigate why the ministry is paying its recreationists approximately \$2,000 a year less than recreationists with similar qualifications working in the Ministry of Correctional Services and in recreation departments in local situations?

**Mr. Speaker:** The hon. member for St. George.

### HOME PROGRAMME

**Mrs. Campbell:** Thank you, Mr. Speaker. My question is of the Minister of Housing. In view of the fact that apparently the Premier has advised residents in his riding who are in the HOME programme that there is to be an announcement of a change of policy in the purchase of land in that programme, is the minister now prepared to announce what that change is to be, and say whether in fact, we are reverting to the position of the sale of such land at book value rather than at market value?

**Hon. Mr. Davis:** Mr. Speaker, on a point of order, so that there is no misunderstanding, I did not say there would be an announcement. I told the people there, who have a very genuine concern, that the corporation and the government were taking a look at the problem, and I am reasonably optimistic we will find a solution.

**Mrs. Campbell:** May I still have an answer from the Minister of Housing, without the preamble by the Premier?

**Hon. Mr. Irvine:** Mr. Speaker, I am delighted that the Premier did interject. I was just going to say that because of my daughter's wedding I wasn't able to be here for the past couple of days to find out what the Premier had said.

**Mr. Cassidy:** They said the minister was doing constituency work.

**Hon. Mr. Irvine:** In any event, I expect a statement will be forthcoming in the very near future, as I believe I related last week or the week before last when I was asked the question. We are reviewing the whole HOME programme to decide whether or not there should be a different way instead of having the owner lease for five years before he can

purchase at the end of the fifth year. That determination will be made very shortly.

**Mr. Speaker:** The hon. member for Nickel Belt.

### GOGAMA WATER SUPPLY

**Mr. F. Laughren (Nickel Belt):** I have a question of the Premier. In view of the fact that I believe it was June 26 when the Premier was in Timmins and promised to look into the problem of the polluted water supply in the town of Gogama, I wonder if he has been advised by the Minister of the Environment (Mr. W. Newman) what he views as the solution, namely a village pump, although I believe he is calling it a tap, and does he really think that's the solution for a town of 600 people who have long suffered under a polluted water supply?

**Hon. Mr. Davis:** Mr. Speaker, I can recall being in Timmins for a very important event, which I am quite sure will produce the appropriate beneficial results for that part of the Province of Ontario.

**Mr. Ferrier:** Not for the Tories it won't!

**Hon. Mr. Davis:** I would only say to the present member, I hope he is enjoying what might be his last few days here.

**Mr. Cassidy:** They may be the Premier's last few days, you know, not the member's.

**Hon. Mr. Davis:** I haven't discussed directly with the minister whether this is an adequate solution or not. I undertook to one person—not a resident of Gogama; I think he was a member of the press—that I would look into it and I'm in the process of doing that.

**Mr. Speaker:** The hon. member for Waterloo North.

### CONDITION OF FORMER WCB BUILDING

**Mr. Good:** Mr. Speaker, a question of the Minister of Government Services: Could the minister report on the condition of a building on Harbour St., formerly occupied by the Workmen's Compensation Board, in relation to the cost of reconstruction? Is it true—as I understand it is—that the underpinnings and the foundation of the building are in a precarious position and could the minister give an estimate of the cost of remodelling the building, which I believe is going to be used for OPP purposes?

**Hon. J. W. Snow** (Minister of Government Services): Mr. Speaker, the hon. member's reference to the underpinnings and the foundation is certainly something new to me.

**Mr. Reid:** Like the underpinnings of this government.

**Hon. Mr. Snow:** I certainly haven't heard of any such problem, and I'll certainly check, but I can almost positively assure the member that no work has been done or is anticipated to be done relating to the foundations of the building. Over the past several months we have been doing interior alterations to the building, updating certain facilities, changing partitions, replacing floors or tile, and many things like that, in order to have it ready for the Ontario Provincial Police to move into as their head office. I believe the scheduled moving date is early September, when the construction will be finished and the OPP will be taking occupancy. There has been no problem with foundations. It's a very sound, very excellent building.

**Mr. Speaker:** The hon. member for Sandwich-Riverside.

#### GASOLINE PRICES ON HIGHWAY 401

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, a question of the Premier, regarding a question about which he undertook over a week ago to consult the Minister of Energy (Mr. Timbrell) and the Minister of Consumer and Commercial Relations (Mr. Handleman): Why are gasoline prices at service centres on Highway 401 from seven to 14 per cent higher than at almost any other gasoline station in southern Ontario?

**Hon. Mr. Davis:** Mr. Speaker, I am in the process of discussing that with the two ministers and I will have some answer for the hon. member shortly.

**Mr. Speaker:** The hon. member for Downsview.

#### FUNDING OF LaMARSH COMMISSION

**Mr. Singer:** Yes, I have a question of the Premier. Could the Premier advise whether or not it is true as stated in a column written by Sid Adilman in today's Star, that the Premier has refused to supply Judy LaMarsh and her fellow commissioners with enough money to get their inquiries under way, even though seed money has been supplied and there have been specific requests for this purpose?

**Mr. Breithaupt:** She'll get violent!

**Hon. Mr. Davis:** I very rarely like to disagree with columnists, whether their field is politics or entertainment, and I have Mr. Adilman's column here, which is a good entertainment column. I find the statements in it particularly entertaining, but I have to say that they represent fiction rather than fact. I would only point out to the hon. member for Downsview that if the appointment of Miss LaMarsh and this commission were the political ploy that some of his colleagues have suggested—

**Mr. R. F. Nixon:** It's a gamble.

**Hon. Mr. Davis:** —then I would think that the logic would be that we would like as a government to have these hearings commence probably as soon as possible.

**Mr. Singer:** There isn't much argument about that statement.

**Hon. Mr. Davis:** Certainly we would not be at all interested in any delay. The fact of the matter is that there has been no suggestion on my part that the hearings not start as soon as possible.

**Mr. R. F. Nixon:** Start right away.

**Hon. Mr. Davis:** I can assure the hon. member that we will be delighted to see them commence. I see no reason why they shouldn't commence in September.

**Mr. Singer:** By way of supplementary.

**Mr. Speaker:** Just one quick one because the time for the oral question period has expired.

**Mr. Cassidy:** Supplementary, Mr. Speaker.

**Mr. Speaker:** The time for oral questions has expired. In fact, we are over by one minute.

**Mr. Cassidy:** Unfair treatment, Mr. Speaker.

**Mr. Foulds:** That is what I like, objectivity in the chair.

**Mr. Speaker:** Petitions.

Presenting reports.

Motions.

Introduction of bills.

#### LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES ACT

**Hon. Mr. Snow** moves first reading of bill intituled, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

Motion agreed to; first reading of the bill.

**Hon. Mr. Snow:** Mr. Speaker, this Act will authorize a number of changes that have been under consideration for some time. Notably, it provides for the adjustment of pensions now paid to retired members, or if deceased, to any surviving spouse, along the lines recommended in the first report of the Ontario Commission on the Legislature. The amendments will also transfer formal responsibility for the administration of the Act from the Minister of Government Services to you, Mr. Speaker, and escalation would be as recommended by the Board of Internal Economy.

It would be the government's recommendation, Mr. Speaker, that the initial updating of pensions now payable be three per cent per annum for every year of retirement prior to Dec. 31, 1973, plus an eight per cent adjustment for the year 1974 similar to the one announced by my colleagues last week for teachers and civil servants. Members who retired during 1974 would have their pensions adjusted pro rata only for every month they were retired during 1974. All increases would be payable retroactive to Jan. 1, 1975.

However, as I said, Mr. Speaker, these are only recommendations and it would be up to you, and the Board of Internal Economy to implement them under this Act.

**Mr. Singer:** That's no good for us—

**An hon. member:** That'll help the member for Downsview.

**Mr. Singer:** —unless we could have a retroactive retirement.

**Hon. Mr. Snow:** Finally, Mr. Speaker, I want to say that we would expect the provisions of Bill 136, the Superannuation Adjustment Benefit Act, 1975, to be made applicable to the legislative assembly retirement fund so that the authorization for escalation provided in the bill now being introduced will be used in that context in future years.

**Mr. Speaker:** Before the orders of the day, I beg to inform the House that the member for Rainy River has filed a notice under standing order 27(g) that he is not satisfied with the answer to his question put to the Chairman of Management Board concerning contract employees. This matter will be debated at 10:30 this evening.

Orders of the day.

## ONTARIO HERITAGE AMENDMENT ACT

**Mr. Leluk,** on behalf of **Hon. Mr. Welch,** moves second reading of Bill 143, An Act to amend the Ontario Heritage Act, 1974.

**Mr. Speaker:** The hon. member for Kitchener.

**Mr. N. G. Leluk (Humber):** No, I have a short statement.

**Mr. Speaker:** You have a short statement?

**Mr. Leluk:** The purpose of this amendment is to overcome the apparent deficiency of the existing wording of section 68(1) of the Ontario Heritage Act, 1974, as a result of the recent decision of the divisional court of the Supreme Court of Ontario in *Mozambique Investments Ltd. vs. the city of Toronto*. It was always our intention that section 68(1) of the Ontario Heritage Act, 1974, would apply where a building or structure has been designated by a bylaw under a public or private Act as a building or structure of historic or architectural value or interest. The effect of this amendment is to ensure that this is the case.

**Mr. Speaker:** The hon. member for Kitchener.

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, first of all we welcome the parliamentary assistant's joining that side of the House in taking over this particular matter. In fact, he fits the Premier's chair very well.

**An hon. member:** No, he is not in the Premier's chair.

**Mr. Breithaupt:** I am sorry, next to the Premier (Mr. Davis). No one could fit that chair better than the Premier—in that location at least.

With respect to this Act, as the member has said, this particularly avoids a problem of some buildings which have been set aside by bylaw and encourages—in fact requires—that they be protected now as well by the provisions of the Ontario Heritage Act.

Of course we agree that is a necessary amendment and we will support it.

**Mr. Speaker:** The hon. member for Stormont.

**Mr. G. Samis (Stormont):** Thank you, Mr. Speaker. First of all, I would like to join with my colleague from Kitchener in complimenting the minister on introducing this legislation which obviously closes a loophole that existed.



I noticed this morning, in looking at the Hansard of the original debate when the Ontario Heritage Act was introduced, that both my colleagues from Thunder Bay and Ottawa mentioned some possible loopholes in the legislation and some possible areas of weakness. It is obvious that the minister should have discretionary powers in case a municipality may not be interested or may not have the funds or not be inclined to protect some particular structure of architectural or historical significance. They themselves may not regard it as important to their particular community or their citizens, but if it has relevance or value to the entire province obviously there is the role for the minister to play. He should have the ultimate power to halt any possible demolition in the case of lack of action or lack of interest by the municipality or the owner in that particular case.

We are glad to see that the minister is making a move in this regard and I don't intend to delay the bill's passage in any way.

I would be interested to hear what comments the parliamentary assistant would have to the suggestion that where it says in the legislation, "If the structured building is designated by bylaw" he might be prepared to extend that so any building listed by way of council resolution would come under the same jurisdiction and receive provincial designation to protect it from possible demolition. Apparently, there are some difficulties in getting them designated first of all at the municipal level, with the 60-day waiting period. Would he consider adding to the bill a clause covering any building listed by way of council resolution as well as by municipal bylaw, whether private or public? Would he consider adding that to the bill?

**Mr. Speaker:** Does any other member wish to take part in this debate?

The hon. parliamentary assistant.

**Mr. Leluk:** Mr. Speaker, the comments of the member for Stormont are noted and we will take a look at them.

**Mr. Samis:** Mr. Speaker, I got this just five minutes ago unfortunately so I can't claim to be that well informed on the matter, but I understand it is a matter of some 800 buildings in the city of Toronto.

**Mr. Speaker:** I would draw to the hon. member's attention that he has already spoken on this matter. It is a little unusual and it is not according to procedure for any member to speak twice on second reading. Perhaps we might consider a question for clarification, very briefly.

**Mr. Samis:** I thank the Speaker for giving me that indulgence.

It has been pointed out that apparently there are 800 buildings which have been designated by the historical board in the city of Toronto as being worthy of provincial designation. If there were some changes made in this particular bill they would have a far better chance of surviving and being protected, and this would be the reason behind some modification in the amendment as proposed. I would be interested to know to what extent the ministry is prepared to move on, first of all, the minimum 40 buildings that the historical board in Toronto has said should be designated and, secondly, the whole question of the remaining 800.

Unfortunately, Mr. Speaker, as I say, I got this information very recently, so I can't give the member much more than that. But I would be interested to know how far the ministry is prepared to go on these 40 buildings, and whether the member would consider adding that amendment.

**Mr. Speaker:** Order, please. We will have to limit the debate on second reading at this time. Does any other hon. member wish to take part? Would the hon. parliamentary assistant answer the question of clarification?

**Mr. Leluk:** Mr. Speaker, if I understand what the member for Stormont was saying, I understand there are about 42 buildings which are affected by this legislation. The bill, upon receiving royal assent, will become effective. I understand that these 42 buildings will then come within the designation of section 68(1) of the Ontario Heritage Act, 1974.

**Mr. Speaker:** The motion is for second reading of Bill 143.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 143, An Act to amend the Ontario Heritage Act, 1974.

**Clerk of the House:** The 13th order, House in committee of supply.

ESTIMATES, MINISTRY OF  
TREASURY, ECONOMICS AND  
INTERGOVERNMENTAL AFFAIRS

(continued)

On vote 1001:

**Mr. Chairman:** Item 1. The member for Ottawa Centre.

**Mr. M. Cassidy (Ottawa Centre):** Thank you, Mr. Chairman. I have two or three comments to make. Just before going any further, I would just like to put on record a couple of facts about the car thing, because I think that the Treasurer (Mr. McKeough) may be interested in it. I offer it partly out of a spirit of partisanship and partly out of a serious concern about a measure which seems to be economically ineffective.

Mr. Chairman, the people in the industry have estimated that the Treasurer's reduction of the sales tax will increase car sales in Ontario by about 14,200 units in the second half of this year. If you look at the sales in more detail, because of cross-border flows only about a third of the cars which are sold in Ontario are made in Ontario, and the rest of the impact will spill over into other parts of the continent. Thus we are talking about an additional 5,000 or so automobiles to be manufactured in Ontario this half year as a result of the \$24 million tax incentive which was put forward by the Treasurer.

Now, I would suggest the other impacts of the tax cut are not particularly important, except maybe in political terms. A number of people who would have purchased cars anyway will feel good about it, or a bit better about it, because they happened to make a \$200 or \$300 saving because of the Treasurer's rebate, but their behaviour will not be influenced. They would have bought those cars anyway.

Secondly, I have checked into figures to find out where the car industry was in trouble. The answer is, basically, not in Ontario—and not in Canada, for that matter.

Back in 1974, when American car sales were dropping by 20 per cent, vehicle sales were a record in Canada. In the first half of this year, they've been off a bit but it's nothing abnormal when you have a record year the year before. In specific terms, car sales were down about six per cent from last year when they were very high; there's been nothing like the 20 per cent drop in car sales experienced in the United States.

The Treasurer's measure, if you will, is directed to trying to cure a problem which is

not within the province but is down in the States and not even he can resolve the problems of the American economy.

One has to ask is \$5,000 a car, which is what this comes out to, really a very good way of going ahead with an economic incentive to try to stimulate the economy? Surely there are other ways in which you can use your money at the margin in order to change behaviour, increase consumer confidence, do other things in order to get more people into the market, if that's what the minister intended to do, in order to stimulate the economy.

Next, this Treasurer and this government have never concentrated at all seriously on the problem of the differential between Canadian and American car prices. I put it to the minister that when the UAW came to cabinet a few months ago, they came bearing two briefs. The first was the brief they had taken to the federal government and the second was a supplementary brief they brought to the Ontario government. They asked the cabinet of Ontario to look at both briefs together and, as I understand it, both were discussed.

The main point of the brief to the federal government, which was produced and presented also to this cabinet, was that the 6.5 per cent differential between Canadian and American car prices should be eliminated. The request to cut the sales tax was part of a whole package of proposed economic measures and was clearly subsidiary to the long-term measure of eliminating the differential. No step like that had been taken.

Next, we've already been told that in the fall there's going to be an increase of about six per cent or so in new car prices. Since cars are running close to \$5,000 a shot right now that means something like \$300 additional per car that people are going to have to pay. That in itself wipes out the effect of the sales tax rebate. I think what's more important than that particular point is the fact that the manufacturers will see some cheques going out to car purchasers and may well decide that they will load a bit of the price increase into the first half of the model year and ease off a bit after the new year, 1976, when the Ontario cheques will no longer be available. In other words, no monitoring has been proposed by the Ontario government in order to ensure that the manufacturers aren't putting a certain amount of extra profit into the prices this fall and thereby taking to themselves some of the money which the Treasurer is ostensibly giving to the people who are purchasing.



Ontario has the power of price review and it can use it as it intends to use it now with oil prices, in order to reduce or eliminate the 6.5 per cent differential in car prices. It just doesn't make sense that cars made in Oakville cost six or seven per cent more in Oakville than they cost when sold in Cleveland or Buffalo or Syracuse. That just doesn't make any sense at all but Ontario has never acted in order to protect the consumers, even though we have now had a decade of the Canada-US auto pact.

I'm sure the minister is going to say this is mainly a matter for the federal government and I just wish he wouldn't cop out on his responsibility. This is an area where the government not only has direct powers of price review, it also has indirect powers of moral suasion or whatever you want to call it. So much of the auto industry is concentrated in this province that we think the province can and should move.

Finally, the most severe problems now being felt in the automobile industry are in parts manufacturing, as the minister knows. There's a twofold problem there. In the first place, there's a structural imbalance in the Canadian automobile industry. Proportionately we assemble too much; we make too few parts.

Even if you stimulate assembly in this country, a large part of that assembly is assembly of parts made in the United States. The Ontario government has never been seen to move concretely in order to get a better structural balance within the industry or in order to help the parts manufacturers, who tend to be smaller in size, to get adequate research and development support so that they can compete in the big league.

As far as the stimulation to the parts industry is concerned, North American sales—Canada and the US—are running about eight million right now. If you increased those sales in the second half of this year by 14,000, that is something like a quarter of one per cent. Since the Ontario parts industry is mainly dependent on the health of the North American industry as a whole and not just on what is happening in Ontario, that suggests that the impact on Ontario parts manufacturers would have been a lot greater if you had taken some of that \$24 million and put it into direct research and development support or in assisting in restructuring the industry.

If I can sum up, Mr. Chairman, it is an over-simplification, I know, to say that the Treasurer's move is going to mean it will cost \$5,000 for every additional car produced in

Ontario, but all the same that is a convenient way of summing up the minimal limited impact of this particular programme on the Ontario economy. Whatever the political effect, and that may be something else, the economic effect is certainly not what the Treasurer intended it to be or at least tried to claim it to be when he got up in this chamber a week or so ago.

When we broke off yesterday, Mr. Chairman, I was making some comments about planning. I would like to conclude those comments and maybe then I could ask the minister to reply. I will start from the beginning again since it was so difficult beginning at 10:30 last night. The Treasurer, in a very interesting contribution last night, explained that he is much freer to be a policy minister now than he was when he held his position two or three years ago. The issues he has to deal with are very similar to that time. In fact, my notes from the estimates of 1972 could well have been used as a guide to this contribution to the estimates debate.

I want to cite, in particular, the comments of the central Ontario lakeshore urban complex study group to the Treasurer because they suggest that the aims of provincial planning are not being carried out by the government and they suggest that planning in Ontario is in very serious straits indeed. I don't want to go into it for long. The Treasurer himself, having been around for some time, is very familiar with the numerous abortive attempts at getting an Ontario plan. In fact, he is responsible in many cases for aborting those attempts. I believe it was this minister who killed the regional development councils. It was this minister when he came to office after the Minister without Portfolio (Mr. White) who once again delayed the creation of a draft, or a concept of a scheme, of a proposed plan for Ontario which the Treasurer had kept promising was around the corner. In fact, God knows what this particular minister intends in terms of an overall development plan for the Province of Ontario.

We in this party have stressed again and again the need to discourage and deflect growth from the "golden horseshoe" and to encourage growth in the north and east of the province in particular. We have simply seen no concrete measures from the government in order to implement it. What we have had since 1966 is the whole Design for Development programme.

The Design for Development has articulated and rephrased and rearticulated, again and again, a number of broad goals for the



area dominated by Metropolitan Toronto. By implication, it has also spoken out about what the government wanted for the rest of the province. It has articulated, for example, the desire to steer growth to the east of the province. It has articulated a strategy of decentralization. It has served as one of the supports for a policy or an attempt at satellite towns. What has happened, however, has not been in accordance with the plan. I would say that the most recent developments, if anything, have completely undermined any effective efforts by the government at even implementing the Toronto-centred region plan.

Growth in the core of Toronto has continued unabated. The diversion of growth to the eastern sector has proven to be nothing but a pipe-dream. Rather than take growth far to the east, the government has created a new town in Pickering which bids fair to become simply an extension of Metropolitan Toronto and whose municipal government, in fact, has been asking to be included within Metro.

The Ontario Housing Action Programme has been given such high priority by the cabinet that any criteria of regional planning have been thrown to the winds. The Ontario Housing Action Programme's chief area of activity has been to the west of Metro rather than to the east of Metro—at the wrong price in many cases; on prime agricultural land in many cases—but it's got such priority that planning has been thrown to the winds.

The government has announced two other new towns since Design for Development was well under way, but those new towns have both been located down in Haldimand-Norfolk, again to the south and west of Toronto and in an area which will tend to create a new industrial corridor along Lake Erie rather than helping to take growth up to the depressed nine-tenths of land area of the province in the north and the east of Ontario.

The government claimed that the Toronto-centred region plan was not specific enough to guide ministerial action and that something more detailed was required. As a consequence they set up the COLUC task force, which was directed to try and refine the concept of the Toronto region plan. When they refined it, though, the people who sat on it came up with some pretty severe criticisms and with some concepts which are themselves rather contradictory.

I must say they also rather abdicated their own responsibility. There's a very curious quote at the very beginning of this document

—I'm sorry, I can't find the quote. They say, in effect, that these are joint opinions but that none of them are responsible individually for the opinions that are expressed in the COLUC document. All the same, senior planners from the province and the regions that are involved are responsible for this, and, some time along the way, it is anticipated that this will either be accepted or rejected as policy by the government.

The inconsistencies between this document and what the government has been doing are rife. For example, on a superficial reading they have enormous difficulties in understanding what on earth is to be done with the regional municipality of Halton, because they say very clearly that Burlington and North Burlington should relate to the Hamilton urban core and that Oakville should relate to the Mississauga urban core. They have great difficulties in coping with Mississauga because they do not know whether the centre of Mississauga should be in Oakville, in Port Credit, in Mississauga, or in Malton and they wind up saying it should be in all of those places.

They don't know whether the northern urban centre should be in Aurora, in Markham, in Woodbridge, or in Pickering and, in fact, on two adjoining pages they say it should be in two places. They suggest that the population of North Pickering should be 200,000 and that compares with the maximum population of only 90,000 which has been laid out by the Ministry of Housing's planners.

They talk about growth to the east and yet their forecasts indicate that Oshawa-Pickering will have only one-sixth of the population of the Lakeshore region at maturity, as compared to one-third of the population which will be in the area to the west of Metro. They also point out that whatever the province's good intentions, housing starts in the Mississauga area have been running at eight times the rate of housing starts in the Oshawa area, whereas if anybody was trying to change growth towards the east, the balance would at least have been, surely, more equal.

Mr. Chairman, I come again to some of the very serious questions which they raised, which they suggest may be irresolvable—and these again are ministry planners. In the first place, they raise severe questions about whether you can have a reasonable kind of urban environment if you have eight million people. What they're saying to this ministry and to the government is that the ministry has not come to grips with the overall problems of whether or not you limit or reduce the rate of population growth in the Toronto-

centred region. You simply have to come to grips with that.

There is not, and there obviously should be, a structure and population plan for the province as a whole. If that plan existed then it would be better possible to assess whether the Toronto region's ultimate population should be five million, six million or eight million. But that isn't possible because the minister refuses to grasp the nettle in a plan for the province as a whole, and because the ministry is still reluctant to take any tough measures in order to restrain growth in the Lakeshore region and take it out to other parts of the province.

I've mentioned the problems about Mississauga and their doubts as to whether it can effectively function as a second urban border centre—to use the planner's language—and the rather half-baked compromise of saying that Mississauga will exist, but it won't be all together. There won't be a downtown providing second order services, but they will be spread somewhere between Square One and the airport at Malton—and you'll have to drive around in order to find them. That's a pretty inadequate kind of solution, but it again raises real problems about the way in which this is going to work.

Third, they are very worried about the dangers of over-rapid growth to the north. They say there is a need to move firmly in order to steer growth to the east of the province, and that firm move has simply not been made yet.

Fourth, they say there is a need not only to anticipate but also to encourage growth to the east. If there was unrestrained growth to maturity between Toronto and Hamilton, they say it would frustrate the stated goal of the province to move to the east and that there is a direct conflict between the COLUC plan and the Toronto-centred region plan and the way in which OHAP, the Housing Action Programme, is working out.

Next, they raise serious questions about whether the present policies are aimed in any way at moderating as well as channelling growth to the Toronto-centred region. They also raise the question as to whether North Pickering can avoid being a suburb of Toronto.

Mr. Chairman, when you look and see what they propose in specific terms, there again one wonders just what the government is doing, because it is so at odds with what is talked about in the COLUC proposal.

For example, they say that the government should be taking action in order to diversify industry in the Hamilton sub-region. I would

be interested in having from the minister some statement as to what steps have been taken in order to implement that particular recommendation.

They are enormously concerned about the loss of agricultural land in the region. They suggest that Ontario may need 60 per cent of its food requirements to be imported by the year 2000. That's very serious, and I say this to you, Mr. Chairman, since you come from a great agricultural riding. The fact is that if we have to beg for our food from other parts of the world, Ontario is going to be in a very difficult situation 30 or 40 years from now. Every step possible should be taken by this government in order to preserve prime agricultural land.

Something like one-eighth of Ontario's prime farmland is here in the COLUC region; in the region in and around Toronto. It's enough, say the planners, to feed a million people if we preserve it. But anybody who had driven around the region knows what's actually been happening. People have been buying up good farmland and letting it lie fallow as they speculate on that land. It spreads all the way up into the northern parts of the chairman's riding.

People who want nice country retreats have been buying 25- and 50-acre parcels, but they don't like to have cows or crops on them. So, bit after bit, piece after piece, land is being taken out of production. The drainage is being disrupted and the care of the land is being destroyed. Fences are coming down, barns and other infrastructure are being converted to other uses or being taken down, etc. It may be incredibly difficult to restore enough common ownership of that farmland in order that it can be efficiently and economically farmed. It's going to be difficult to restore all of the capacity, if we ever manage to do so.

The minister is aware of the problems. His problem is that he and the government will not act in order to preserve the farmland of the province. I'll just read a quotation from the report on the question of the land, Mr. Chairman. Here we are:

The threat to the land is real if population in the planning area is carelessly located or if population levels are allowed to rise excessively, these values [the recreational values, the agricultural values and all the rest of it] could be lost or seriously impaired. If land in the COLUC planning area is seen only as a platform for urbanization and industrialization the loss to the province in the area will be a grievous one.



That's what the province's own planners have said in their recommendation to the government.

They are very concerned but there is no real urgency about land and the loss of farmland as far as the government is concerned. There are some words in the Throne Speech. There's no action. What's happening in the meantime?

I could point out one specific thing which comes off my head—the extension of the Don Valley Parkway north to the east side of Lake Simcoe which thereby opens up for urban and ex-urban development a new area north of Markham and Woodbridge. It violates this plan, violates the Toronto-centred region plan and will take thousands upon thousands of valuable farm acres out of production. That's a result of the unco-ordinated policies of the government.

Mr. Chairman, in the report they ask, "Will our plan achieve advantageous results?" They say, "Yes. It's going to be tough but it's worth the effort." And we agree with them.

Secondly they ask, if such a plan as theirs is achievable. Is it possible to slow down the rate of growth and so on? The report says, "It must be said candidly that some members of the task force doubt it."

They see the strong commitment needed to realize the "go east" policy; to restrain excessive westward and northward growth in the face of heavy current pressures; to maintain balance and design in the development of the system as a whole and of its constituent communities; to make the heavy front-end investments which may be needed to create the necessary transportation system. They see also the occurrences since 1970 which have weakened the Toronto-centred region concept already. Their scepticism is understandable.

They are also worried that immediate housing needs and specific needs and aspirations of individual regions or localities will torpedo the plan.

The planners work for the government. It's very difficult for them to say outright, "We think you are blowing it." But as far as they can go, they have come as close as possible to saying to you, Mr. Treasurer, and to your government, you are blowing it. It just isn't working. You are not working effectively as a planner. With all the time you have now to be a policy minister you had better start to get cracking on this or else your children and my children and our children's children are going to pay the consequences in terms of congestion, in terms of sprawl, in terms of all

the other things the whole planning exercise was intended to avoid.

They talk about a number of things such as the central York servicing scheme; the Housing Action Programme; the GO service to Georgetown; the new municipal boundaries; the Barrie commuter service—which violated the Toronto-centred region plan—not to mention the location of North Pickering. At the same time they say, and I quote again:

It must be said that in four years little has been done to give substance to the "go east" policy except to the extent that North Pickering, still in the planning stage, still does so. [Finally] It must be clearly understood that if all or most of the planning issues are resolved in favour of short-term pragmatic planning or the particular needs of the moment, the prospect of implementing the TCR concept will diminish to the vanishing point.

We stress the need for a real commitment to the concept because without it the present nominal allegiance to TCR policy [pretty tough words from a civil service task force] is a mere and increasingly flimsy pretence that in the interests of all concerned would be better to be dispensed with. The government of Ontario is in fact now faced with a major decision to reaffirm the TCR policy or to abandon it.

Mr. Chairman, they say finally that they have identified the issues and some of them are very fundamental. They have to be resolved at the policy level. There is a clear indication, they say, that cabinet sanction will be required before the report can have any status at all.

There has been the commitment by the Treasurer that this report will have public scrutiny.

It seems to me, Mr. Chairman, now that we are facing an election in which regional development is going to be an important issue as far as we in this party are concerned, we need some pretty clear commitments from the government. This is the occasion on which the Treasurer can speak out and, having foregone the Toronto-centred region plan, torpedoed it consistently year after year and taken step after step—this minister, his predecessor and his government—to facilitate and encourage growth to the west of Metro and to continue that tremendous, overbearing concentration of growth in one small region of the province, and say whether there is now a commitment that he is going to turn his back on all of that and is going to bring economic opportunities to



the east and make the Toronto-centred region plan work; make growth possible in the east and north of the province. Or will he, on the contrary, take heed of the words of the COLUC task force and admit he has blown it and simply abandon the Toronto-centred region concept. Then we can wipe the slate clean and start from scratch.

I would like to have that commitment. I would like to have some kind of evidence that the minister means it. I don't know what he can offer, Mr. Chairman, but I have to say that we in this party are increasingly concerned at the fact that the growth trends of the province have been allowed to continue almost unabated in the hands of this government and that what it has been doing has been mainly to facilitate the growth, rather than change its direction. As a consequence, vast areas of this province are suffering from the way in which this chief planner and his predecessors have been carrying out their responsibilities.

**Mr. Chairman:** Is vote 1001 carried?

**Mr. Cassidy:** Maybe the minister can reply. I was proposing to have this debate on this particular vote, in view of the fact that we may well not get back to the vote on planning, which is maybe several hours away.

**Hon. W. D. McKeough** (Treasurer and Minister of Intergovernmental Affairs): Mr. Chairman, I indicated that I would deal with these matters, such as regional development, under the appropriate votes.

**Mr. Chairman:** Most of the matters that you are dealing with come up under vote 1004 anyway.

**Mr. Cassidy:** Mr. Chairman, I just bring to the minister's attention that the reason we are on his estimates at all is that we are waiting for reports from the committee. I suspect that the government will not give this committee of supply one second of extra time, once the reports come up from the committee and we are able to finish the legislation that is on the order paper.

In view of the impending election, which we are told may come as early as September, it seems to me that it is important that the minister seek to reply now to the points that have been made, which are substantive criticisms, rather than leaving it in limbo and never bothering even to try. That's a very real possibility if he waits until a relevant vote.

**Mr. R. F. Ruston** (Essex-Kent): Mr. Chairman, I take it the ministry central office con-

tains the main staff of the Treasury. What would the approximate complement be of staff in what we classify as the ministry central office? Does the minister have those figures offhand?

**Hon. Mr. McKeough:** About 26. That's the minister's office, the deputy minister's office, and the Minister without Portfolio's office. The minister's office and the deputy minister's office in Treasury have been run as one office since the ministries were brought together with a co-ordinator really running the whole show. So the minister's office, the deputy minister's office, the office of the Minister without Portfolio (Mr. Beckett), previously the parliamentary assistant, and the office of the women's co-ordinator are all included in the ministry central office.

**Mr. Chairman:** Shall vote 1001 carry?  
Vote 1001 agreed to.

**Mr. Chairman:** Any discussion on the Ontario Economic Council?

On vote 1002:

**Mr. J. R. Breithaupt** (Kitchener): Mr. Chairman, I would like to ask a couple of questions of the Treasurer with respect to this particular item. We realize that there is much restructuring and reorganization going on as these programmes are being developed and that economic disparity continues to be a grave matter of concern for all of us in the province. I am wondering if the minister can advise of any particular studies or programmes which are now under way with respect to development in the less fortunate and slower growth areas, rather than having the continuing growing into the Toronto-centred region or the "golden horseshoe" area of the various projects and developments which we consistently see.

We're concerned, of course, with the unemployment rate naturally, and the unfortunate increase in it, and surely studies and work by the Economic Council might be of assistance as we attempt to keep people and encourage people to remain in their own communities because of the appointment and the availability to jobs and of jobs within their own home towns. I'm wondering if the minister can give us any advice as to the current activities of the council with regard to this economic disparity matter.

**Hon. Mr. McKeough:** Mr. Chairman, perhaps I could refer the member to the annual report for 1974-1975, which I tabled several weeks ago here in the House and which has a section on not only what they have done

but also what they are doing and proposing to do.

**Mr. Breithaupt:** Well, I seem not to have received a copy of that item, so I will attend to that on my own then, Mr. Treasurer, unless you wish to make any general comments.

**Hon. Mr. McKeough:** I will, and put it on the record. They have a number of research projects under way, reflecting two basic themes—the size, growth and effectiveness of public expenditure programmes and the distribution of personal income.

Specifically, this includes the following topics—and I'm coming to the answer to the member's question, but I do want to make a comment—there is the whole question of health services; of urban affairs; of education and manpower; social services and transfers of national independence; of northern development specifically, and under northern development the topics that the council feels warrant particular priority, the targets and instruments of regional policies, the role of transportation, its availability and cost in the development of northern Ontario, the impact of government spending and taxation on the economy of northern Ontario, the study or studies of individual industries of importance to northern Ontario. The council has actually divided itself into six committees under those headings and is undertaking research in each of those areas.

With respect to northern Ontario, two weeks ago the council took a tour of part of northern Ontario, including Thunder Bay, Dryden, Kenora, Kapuskasing, Moosonee—mainly northwestern Ontario, as I recall—and were gone for nearly a week looking first-hand at some of the problems. Some of the members of the council just simply weren't familiar with northern Ontario problems. I had a very interesting verbal commentary on what they saw and what they learned. I think that is an area of particular priority to them.

**Mr. Chairman:** Shall vote 1002 carry?

Vote 1002 agreed to.

**Mr. Chairman:** Vote 1003, central statistical services, carried?

Vote 1003 agreed to.

**Mr. Chairman:** Vote 1004. I believe it was at this point that the hon. minister was going to answer the questions raised by the hon. member for Ottawa Centre.

On vote 1004:

**Hon. Mr. McKeough:** Specifically on the automobile industry, Mr. Chairman, I think this is the area where we might well discuss that. I think the hon. member overlooks certain facts in his questions today. The Ontario government obviously does not have it within its power to do something about the differential in car prices between Canada and the United States. Surely, if there is a subject which is germane to the activities of the government of Canada, that's it.

The hon. member did say, of course, that we had the power of price review—I suppose price control. We have no intention of moving into the area of price control in terms of automobile products. I state that unequivocally. We are certainly not about to get into that area. The member overlooks the fact that if the auto pact was functioning as it should be functioning, then it is a two-way street and it doesn't matter whether cars are built in Canada or built in the United States or whether parts are built in Canada or the United States. Presumably there is an overall balance.

A very discouraging matter which is brought to our attention is that although Canadian sales are good, our export sales are not; the picture in terms of automotive parts is particularly depressing. This year we will probably have a balance of payments deficit of about \$1.4 billion in terms of the automotive pact, which will be an increase from \$1.2 billion, and most of it will be in parts; in fact, as I recall, the figure for parts is higher and there is a surplus for finished vehicles. I am not positive of that, but the overall result is what concerns us, the \$1.4 billion.

Although the parts people make a particular case, which is a good one, that employment over the past few years has declined substantially in the parts industry, it really isn't or shouldn't be a matter of concern if, as I say, the pact were functioning properly, where in North America the car is actually produced.

Aside from the very devastating effects in terms of inflation, in terms of cost and in terms of jobs lost resulting from the increases in federal taxation and the increases in well-head prices of petroleum and natural gas, we are also concerned that again the somewhat larger Canadian- and American-built cars will be at a disadvantage against imports, which are more fuel-efficient. Undoubtedly Canadian and American manufacturers over the years will switch to smaller and more fuel-efficient cars; they have not yet done so in sufficient quantities. Certainly one of



the indirect results of the moves made by the federal government on July 7 in many ways will be to stimulate imports, which many people will see as a way of avoiding or reducing the impact of the very high energy taxes placed on July 7 and effected by the government of Canada in previous actions in terms of wellhead prices of oil over the last year's period. I don't think I can add anything more to that at this moment.

**Mr. Cassidy:** That's all very well, and we are concerned about balance of payments deficits in terms of cars and so on too, but the question I am raising is whether, as an economic stimulant, the measure taken by the Treasurer will be effective in terms of the Ontario economy and whether it is an effective use of Ontario tax resources.

The minister well knows that he can spend money, he can cut taxes—there are a number of different ways in which he can move to try to stimulate the economy. We have a very strong feeling that if he had taken that \$24 million and put it into housing, into shelter, he would have helped to contribute to meeting a very urgent need and he would have created far more jobs within the Province of Ontario.

**Mr. Chairman,** even the Treasurer cannot singlehandedly rescue the American automobile industry. Yet when he points out that we are all interrelated as a result of the auto pact, he is admitting that any economic stimulants by this province, which is only a part of Canada and is very small in relation to the North American automobile market, can only have a very small impact on the industry as a whole.

I am sure that the governor of Michigan and the people in other auto-producing states are delighted that a few thousand extra cars will be made in their states as a result of the tax remission which is being provided within Ontario.

**Mr. Breithaupt:** Will any extra actually be made? They'll just clear out their inventories.

**Mr. Cassidy:** No, I am not worrying about that. If you take a car out of inventory, it has got to be replaced. I don't agree with that.

Let's get this straight, though. The minister began, not by saying that he wanted to help automobile sales generally but by saying he wanted to stimulate the Ontario economy. As a consequence, he specifically excluded automobiles that were made outside of North America—the imports or the non-North American cars. The principle that he was not trying to help the automobile industry generally, but

a specific sector of the automobile industry, has been acknowledged by the minister already in his mini-budget. It is looking at the effectiveness of that for Ontario we come down to this estimate that of the 14,000 or so extra cars which may be sold in this province in six months as a result of the minister's remission only 5,000 or so will be made in Ontario. The cost of getting 5,000 extra cars built in this province is about \$5,000 per car.

I wasn't able to establish this morning how many man-months of work you get with the production of each automobile but it would seem to me there were a lot of other ways in which you can use some seed money from the provincial government in order to stimulate private spending or private investment which would be much more effective in creating jobs than what the minister has put forward.

Let me put a couple of other figures on the record. First, the minister himself says he doesn't have—or else he won't give—an estimate of what the impact will be. That, surely, is a bit surprising. Surely, if this was an economic move rather than a political move the government would have had some estimate of what the impact would be.

Secondly, and of rather more concern, **Mr. Chairman,** is that the estimates of the cost of this measure are based on second-half sales in 1975 of 143,000 automobiles. That's at an average saving of \$175 per car. It happens that car sales—North American cars in Ontario—150,665, I think it was, according to the R. L. Polk figures which are used in the industry.

I don't know how many Lincolns and non-eligible Cadillacs were in that total but the minister's estimates still indicate that in the second half of this year there will be a decline in car sales from 1974 and that they will be running at approximately the same rate below last year as they were running in the first half of 1975. If I can pursue that a bit further that would suggest there may be no economic impact at all and no increase in car sales at all in this province in the second half of the year over what would have been achieved anyway.

I know I am extending it a bit far and we are just working with numbers here right now but that's what the minister's figures indicate. They indicate no economic impact at all. Whether it is that or whether the Ford figures are correct—that it is costing us \$5,000 for each additional new car made in the province—it is a pretty lousy way to stimulate the economy. There are lots of other ways in which you could have gone.



The third thing, Mr. Chairman, is that the question of differentials is something that, for inexplicable reasons, the federal government has balked at year after year after year. It simply hasn't come to grips with it. When you look at the cost it's enormous.

At 6.5 per cent, which is the UAW's estimate of the differential, after taxes and disregarding the different tax structures in Canada and the States, we are now talking of a sum of about \$300 per North American automobile sold in this country. Since car sales in Canada run at about 900,000 per annum, we are talking of something over half a billion dollars cost annually to Canadian consumers because of the differential.

When you come to Ontario, which has 35 per cent of the Canadian car market, you are talking of one-third of that figure. You are talking of something between \$150 million and \$200 million every year which is paid out by the Ontario car purchaser because of the differential. It is a completely inexplicable differential, Mr. Chairman.

You have to ask yourself what are the extra costs of doing business in this province, for example? There is the French material, the French manuals and the French training. That's the one which always comes along but what is the cost of bilingualism to the entire Province of Ontario? The cost of those bilingual things can't be more than \$10 or \$15 per automobile sold in this province. It is certainly no more than that.

There are certain problems of distance, but the major problem of distance is the freight of the car to the purchaser. As the minister well knows, the purchaser pays the freight when he picks up his car, so that a car bought in Moosonee costs that much more than a car bought in Oakville or on Danforth Ave.

We say that Ontario has powers of price review, that in certain areas such as energy and now oil, Ontario admits and owns up to the power of price review and is using it, that this differential is such an unconscionable ripoff on the consumers of Ontario that the government should step in and force the automobile companies to justify the differential they are charging to the Ontario consumer. If you look at the profit figures, Mr. Chairman, you will find that while Ford and GM and Chrysler have been taking a bath down in the United States, their Canadian subsidiaries have been doing very well, thank you. In fact last year, Ford of Canada profits were at a record. GM didn't do quite so well but theirs were still pretty handsome.

There is a lot of money being taken from Canadian consumers and we ask whether this government stands behind the consumer or whether it's willing to protect the consumer. If this minister wanted to stimulate the Ontario automobile economy on a permanent long-term basis, then surely the best thing he could have done would have been to go and sit down with the car companies, ask them what they were doing, make them justify the 6.5 per cent differential and get them to agree to a programme so that between now and, say, 18 months from now, the differential would have been either eliminated entirely or cut down to one or 1.15 per cent, whatever the real additional cost may be of doing business in Canada, if any such additional cost actually exists.

In return for that particular kind of commitment, then it might have been legitimate to turn to the car companies and say: "Okay, we will give you guys a hand here in Canada, and also some of your American manufacturing plants, by giving you a break on the sales tax." But there is going to be no long-term impact on the consumer from the measure taken by the government, and that's a pity. I would be interested in the minister's reply to those points.

**Hon. Mr. McKeough:** Mr. Chairman, as I have indicated already, the matter of the price differential is something which will have to be looked at by Ottawa rather than by this government.

**Mr. Cassidy:** You have responsibility too.

**Hon. Mr. McKeough:** That's the member's opinion.

**Mr. Cassidy:** It certainly is.

**Hon. Mr. McKeough:** The member would balkanize Canada by having price reviews all over the place, and that's not the attitude of this government.

**Mr. Cassidy:** Not at all. It happens in many provinces.

**Hon. Mr. McKeough:** That's not the attitude of this government at all. I am not going to comment on the numbers game which the member wants me to get into at some length. I will leave it at this—we think that production in the second half will be better than production in the first half, and I will leave it at that. Obviously, if we can stimulate greater Canadian demand in the second half, then we are doing something to meet the hoped-for greater demand in the second half, and particularly in 1976 as the American

economy picks up. It may well be that we will take some Canadian sales from 1976 into 1975, but if at the same time American sales are picking up in the first half of 1976, then the two things will balance out. That's what we have been attempting to do from the April 7 budget on, and this is a further refinement of it.

I would, of course, point out—as I have on other occasions to this particular member—that there's a philosophical difference here. The member likes to say, with a great oversimplification of figures—he himself even says that he is reaching—that this is costing \$5,000 a car. What the member can't get through his head, and I say this in all sincerity and all charity, is that we on this side happen to think that there's some merit in leaving money in the consumer's pocket so he can decide what he wants to do with it himself, and if the consumer is saving \$150 or \$175 on each car, he will spend that money. I know the member would have us go out on larger and bigger and more bureaucratic spending programmes. That's his philosophy; it isn't mine.

**Mr. Ruston:** Mr. Chairman, can I ask the minister about assessing the economy and so forth and bringing in the sales tax rebate on cars? Of course, being from an automotive industry centre and closely involved in it, of course we like to keep car sales moving. I have read on a number of occasions in the last few months that the market for appliances, refrigerators, washing machines and so forth has apparently fallen off a great deal. What did you find out in assessing that? Would lower starts in housing have some bearing on the sales of appliances? I assume they would. Or, did you study that particular area of concern? I class them as essential goods pretty well—refrigerators, washing machines, freezers and household goods. Did you find any slowing down of manufacturing in that area? Did you find anything in that when you were assessing the general economic situation?

Of course, the difference between the price of cars in Canada and the United States has been a matter of concern for some time. There is an odd situation, though, in car sales in Canada and the United States. Living so close to the American border, I have friends over there. I was talking the other day to a man who traded in a 1972 model car on a new 1975 model, and he had paid \$3,800 as the difference between cars. He was visiting a neighbour across the road from me, and the neighbour had bought a 1975 model and traded his 1972 model in on it, and he had paid \$3,200 as the difference. The one man had been paid less money for the trade-in in Canada than in the US.

In the United States their motto always has been that when a car is used, sell it cheap and get rid of it. They have a tendency to do that. They get a toaster, and if it breaks down in two years they throw it away and buy a new one, because toasters are cheap enough that they can do that. We're probably tending somewhat to that way here, too.

But I was wondering about other things in the economy and the slowdown in manufacturing. The one that I've read about is appliances. I wonder if the minister, in assessing the economic situation, did look into that?

**Hon. Mr. McKeough:** Mr. Chairman, yes, certainly in the look at the economy that we did before the budget, and the look at the economy which we have been doing since, there's no question that we've got some very serious problems in some of the industries which the member mentions. There is the television industry, the consumer durable goods industry—refrigerators and washing machines, carpeting and curtains. A lot of those things are directly related to the housing area.

Of course, we expect and hope this is one of the spinoffs from the \$1,500 homeowner grant, or \$1,000 in the first year. If they already have the down payment, fine and dandy, they'll go out and spend that \$1,000 on a new refrigerator and a new stove, rather than making do with the old one. We think there's some indication that this is what has happened or is happening. But there's no question that appliances are among the worst hit of the Canadian domestic industries.

Having said that some of this is attributable to the housing industry generally, I also have to add that there are roots to the problem which are more serious than that. They are very definitely the problems related to our competitive position in the world. Television is the obvious example. In the riding of my friend, the member for Kitchener, Electrohome Ltd. is living proof of this—the very serious problems it is having with imported television sets coming in from lower-wage-rate countries of the world. It is making life very difficult indeed for Canadian manufacturers and for the employees of those firms. It is true in a number of other areas as well.

We're now into the whole question of domestic inflation, and what domestic inflation is already doing in a small way, perhaps, in terms of not only our export-oriented businesses but other businesses as well, such as the applicable industry, which is suffering right here at home, not just in export sales.

It's a very large question of our competitive position, of our productivity, of the relationship of our wage and salary rates to



those of our competition throughout the world—and particularly to our competition in the United States, just 20 miles away from my friend's home.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** Thank you, Mr. Chairman. I'm not getting through to the minister, but I'll at least try once again.

I recall that about 10 years ago a very successful measure for stimulating the Canadian economy was introduced by the federal government of the day. That was back in the days when people didn't build houses in the winter very much. It was thought that was a difficult kind of thing to do, and housing starts traditionally, were always low in the winter as a consequence.

The government of the day introduced, for two or three winters I think it was, a \$500 winter house-building bonus. If you bought a house that was begun during the months of December or March I suppose, then you got an extra \$500. The builders used that as a marketing device; it stimulated them to look into means of getting housing started in the winter.

The increase in housing starts was really quite extraordinary. There was a shift in the balance of the industry from concentrating all of its activity in the summer to more even employment the year round; there were savings to the government in unemployment insurance and that kind of thing; there was a better flow of labour—the whole bit.

The cost of getting those extra houses built in the winter was \$500 per house; since maybe half of the houses would have been started in winter anyway, it was equal to about \$1,000 for each house, which was probably worth \$18,000 or \$20,000. A small amount of government money, applied strategically at the right place, was enormously effective in terms of achieving several aims of federal government economic policy, and the cost to the treasury was relatively small compared to the impact on the economy.

Compare this with the measures taken by the Treasurer. In order to achieve an increase in production in Ontario of around 5,000 cars in this half year, he is laying out a sum that is equivalent to about \$5,000 for each additional car produced. That is rather like having the federal government back in the 1960s lay out \$20,000 for each additional home begun in the winter, rather than \$1,000.

The federal government with that winter house-building programme was able to use

a leverage and put in money equal to about five per cent of the value of the economic activity it stimulated. In the case of this particular ministry, the Treasurer has come up with a programme where every dime of additional stimulus to the economy in car production is being taken out of the pockets of taxpayers; there is absolutely nothing coming from the private sector at all. That is why we object and just wonder whether this whole thing couldn't have been thought through more carefully and whether the Treasurer shouldn't have looked less to the political sex appeal and more to the economic efficacy of what he was doing. Frankly, Mr. Chairman, we simply are not convinced this measure is particularly effective economically.

On the other point, it is no good the Treasurer saying he disagrees with us in ideology and therefore won't look at the differential. The public will judge about that \$150 million to \$200 million that is going out every year to GM, Ford, American Motors and Chrysler because of the differential in prices between Ontario and the United States. They will judge as to whether the Ontario government shouldn't express some concern or some desire to protect the consumers.

If the government can be critical of the federal government about so many other things, it seems to me that the government surely can move in and act here or it can press the federal government to act. Or else it can use its acknowledged powers of economic analysis in order to see what composes that differential, and how much of it is justified and how much is not, in order to shame the companies into giving a square deal to the Ontario consumers. There are any number of ways in which the Treasurer could have acted on the differential, instead of which he has come in with a policy which frankly looks weaker and weaker the more we look at it.

**Mr. Chairman:** Shall item 2 carry?

**Mr. Cassidy:** When can I talk about energy?

**Mr. J. E. Stokes (Thunder Bay):** Item 2?

**Mr. Chairman:** Well, we are on vote 1004. I presume item 1 has passed; now we are on item 2.

**Mr. Breithaupt:** There may be a number of other items that might come up, although I have none with respect to programme administration as such, if you wish to have that item carry.



**Mr. Chairman:** Yes, I'll call it item 1 then. Item 2.

**Mr. Stokes:** Item 2 deals with the Ontario Economic Council, does it not?

**Mr. Chairman:** It deals with the state of the economy; energy and the economy; and the automotive industry. Those three items are under it.

**Hon. Mr. McKeough:** It also has to do with the Economic Council. We're on vote 1004.

**Mr. Chairman:** Right. Will item 2 carry then?

Agreed.

**Mr. Chairman:** On vote 1004, item 3—federal-provincial relations, interprovincial relations; Ontario-Quebec permanent commission and the Provincial-Municipal Liaison Committee—is there anything on this item?

The member for Waterloo North.

**Mr. E. R. Good (Waterloo North):** I think a few words regarding certain matters that were part of the Economic Council's latest report could be worked in here. We can work it in under municipal-provincial relationships. It has to do with the need for financial data to be made available at the times when there has been restructuring of local governments.

This has been one of the major concerns of people at the municipal level and people in the opposition parties over the past number of years when there have been restructurings going on at the municipal level with the formation of regional governments and the formation of restructured county governments. As the minister knows, there are a good many municipalities presently undergoing preliminary studies relating to the restructuring of municipal governments across the Province of Ontario.

I don't want to take too much time on this, but one of the major recommendations deals with the pending reviews of governments and the possible future feasibility studies of regional governments. The report says:

An analysis of the issues surrounding political structure at the local level suggests that the economic aspects of restructuring are very important.

In preparing this report, the Economic Council goes out of its way to say that it feels, by and large and in all instances, the economic aspects of the whole matter of municipal government have been sadly neglected in the detail and the data made available for restructuring of the government.

Further, they go on to point out that much of the data perhaps isn't available. Much of it could be produced at certain costs, but the province has always seen fit not to provide the necessary funds to produce the data that is required before a complete understanding can be had by the local municipalities of what the implications will be about the restructuring. Certainly this was true in our own area, in the Waterloo region. We asked why studies weren't made into the financial implications at the time.

**Hon. Mr. McKeough:** Mr. Chairman, I don't mean to interrupt, but that particular report of the Ontario Economic Council, as I recall, was not talking about projected local government costs. It was talking about the inadequacy, in their view—and I would not necessarily agree with that—of existing municipal statistics. I don't think it was drawing reference to what the member is talking about, which is projecting municipal costs after restructuring.

**Mr. Good:** All right, maybe I don't understand this properly then and the minister can help me. The report says:

It is, therefore, recommended that in the future reviews of existing local government structure should allocate considerably more resources to exploring and analysing the economic issues relating to alterations in political structures.

**Hon. Mr. McKeough:** You're talking about two different reports.

**Mr. Good:** This is February, 1975. It has just been received within the last week or so. This was an important point, which I think has been sadly neglected in the past. They go on to say:

Finally, it is apparent that data pertaining to municipalities and their activities prior to reorganization are difficult to find and gain access to. If effective monitoring and evaluation of changes in political structures are to be carried out, it is important that all past data be made available to the public.

They go on at some length to state that the financial implications have been sadly neglected in the past.

I spoke to the mayor of one of the cities in our own region quite recently—not my own city—and it was indicated to me that the financial implications of this were certainly not foreseen at the time the regional government was instituted. The plea was: "If we could only go back to square one and

start over again, maybe we could do things quite differently.'

I think, coupled with this, the province has to recognize the need for review of these restructured governments, as has been indicated in the Niagara region. I think in the future an important part of restructuring of governments at the local level, whatever form they may take, has to be a better compilation of facts and the availability of statistics.

In our own case in the Waterloo region, Mr. Chairman, the statistical information was basically there because we had just completed the Waterloo-South Wellington review in the area and much of the statistical information was available; but additional sums to bring it out and implement it were not forthcoming from the government. It appeared to be a direct policy of government at that time that the people should not know, nor should any attempt be made by anyone to find out, what are the future financial implications when there is restructuring. I bring this out because I think that is very important.

In the same report the council points out the tremendous need—I guess we have passed the section dealing with the Ontario statistical centre—if we are going to keep proper relations between the province and municipalities, the tremendous need for better statistics to be available to the municipality and the province.

They are critical of the blue book which gives facts and figures which are no basis, in some instances I suppose, for a common method of compiling statistics. While the need for statistics perhaps is overplayed in some instances, I think they can be a very great asset to municipalities in plotting their future paths if they relate them to costs which have been established during the past.

That was the one item under this particular vote, Mr. Chairman, that I wanted to say a few words about.

The other thing is to say briefly that I think the Provincial-Municipal Liaison Committee has made great inroads in the area of helping to chart its own path as far as the province is concerned. Unfortunately I haven't attended as many meetings as I would have liked but I believe the fact that ministers are available and can be questioned by the Provincial-Municipal Liaison Committee is good.

They have access to information which I think should be made more widely available, especially to members in the Legislature when there are issues being discussed. I know it's

our own fault if we don't get there to listen to the discussions but when the House does sit sometimes at the same time it's difficult.

I think we have to continue this liaison with the committee; and while the structure of it perhaps is such that it can't speak for all of the municipalities, I'm certain there is a broad cross-section of opinion expressed by the Provincial-Municipal Liaison Committee to government. I hope the government heeds what it says and takes action on many of its recommendations.

**Hon. Mr. McKeough:** Mr. Chairman, I just want to make one comment. I'd forgotten I'd read that report of the Economic Council; we have it before us now. With the greatest of respect to the three authors of it, they are essentially statisticians, statistics gatherers. One of the great tendencies of a lot of people is to collect figures and do nothing with them. We want to be very sure that figures are being collected for a worthwhile purpose. I make that general observation.

The other point that I would make in reply to my friend is that—and I had forgotten that criticism was there—the figures were all available as to the past history of the municipality, say in Waterloo. What the government will not do and has no intention of doing is prejudging or in some way pre-determining in projections what the newly elected council or councils are going to do with the resources which are provided to them.

I'm not going to put my head out on a limb, nor is any minister responsible for restructuring government, and say that if this happens and that happens the tax rate next year is going to be 100 mills and will produce X number of dollars, because you are then completely prejudging what the local councils which are elected to spend that money are doing. We've had this discussion before. We are not going to put local government, new or old, in that kind of a strait-jacket.

**Mr. Good:** Mr. Chairman, just to take it one step further, that may be what you think is a very solid position to take, that you are not going to prejudge what local councils are going to do. But the fact of reality simply is that neither the people nor the local council realize the implications of their restructuring.

Just a few examples: Let me state that no one realizes what the implications are of the debenture debts on the sewage and water systems across the region. That is never projected. It's never shown what effect it is

going to have on the various area municipalities when they come into the new structure, or what effect it will have on those areas with low debenture debt compared with those areas with high debenture debts; that is what the levelling off will be.

The implications of the regional road systems are never fully projected as to what they might be and how they might affect the area governments in the future.

I agree that you can't tell the municipal councils what to do in the future, but you know what the basic projections would be—

**Hon. Mr. McKeough:** Not necessarily.

**Mr. Good:** —when it comes to establishing the present financial condition and how that will be affected under the restructured governments. People in the new restructured governments don't have a clue that they are going to share the former debts. They think that from here on we are going to share our problems and our debts in the future.

These things could certainly be projected without committing the governments of the time. It was a very few months before it was ascertained what the system would be as far as the sewage and water works were concerned, what the regional road system would be, and the debenture debt on certain other things within the region.

These things could have been tabulated and they could be projected. I think this is the type of information they should have. Everybody walks into a restructuring quite oblivious of the fact that these things are going to have a direct effect in the future. I think there could be much more attention given to those known items, those things which are available at the time, and projections made as to what their effect will be, irrespective of what the actions of regional councils are in the future.

**Mr. Chairman:** The member for Thunder Bay.

**Mr. Stokes:** I want to pursue just one step further something I had started with the minister last night, with regard to the restructuring of his ministry, how he felt it was working and I—

**Hon. Mr. McKeough:** Mr. Chairman, I wonder if we can get back on the track, as you suggested?

**Mr. Stokes:** I am going to.

**Hon. Mr. McKeough:** Are you?

**Mr. Stokes:** Yes.

**Hon. Mr. McKeough:** Great stuff.

**Mr. Stokes:** Yes, and I want to thank him for his remarks last night, because it gave me a better insight; but I want to get into the office of economic policy, vote 1004, item 2.

**Hon. Mr. McKeough:** Okay, right on.

**Mr. Stokes:** The programme description states:

The monitoring and analysis of short and long-term economic activity; the research and development of economic policy; the co-ordination of macro-economic policy [whatever that is] and technical liaison with other governments on matters relating to economic policy.

I missed my opportunity during the vote on the Ontario Economic Council, so I am going to take advantage of this vote to sort of highlight and to pinpoint some of the observations I made last night. During the recent tour of the Ontario Economic Council through the north, where they wanted to get some insight into the kinds of problems that people were experiencing in northwestern Ontario as a result of some rather rapid change and rapid developments in the resource-based economy of northwestern Ontario.

This ministry has the responsibility for economic development and the formulation of plans such as Design for Development: Phase 3 for Northwestern Ontario. I am sure the minister is well aware of the apprehensions that have been expressed by people in northwestern Ontario about the appropriateness of using Design for Development: Phase 3 for Northwestern Ontario, which was based on premises that were quite valid in 1968, 1969 and 1970.

Because of the rapid changes and the rapid growth in the resource sector, particularly mining and forestry resources, obviously we must have at the very least an amended version of Design for Development and a brand-new emphasis based on what we know of the growth and the development of the resource sector in northern Ontario, particularly northwestern Ontario, since that is the only area in the north where you have accepted Design for Development as government policy.

**Hon. Mr. McKeough:** I don't want to interrupt, but if we are going to follow this sequence, I guess I am. The Chairman indicated we were talking about vote 1004, item 3, which is federal-provincial relations,



interprovincial relations, the Ontario-Quebec Permanent Commission and the Provincial-Municipal Liaison Committee.

**Mt. Stokes:** I thought we were talking about vote 1004, item 2.

**Mr. Chairman:** No, we had finished that.

**Mr. Stokes:** Okay, I will give a budget speech on it.

**Hon. Mr. McKeough:** Wait until vote 1006.

**Mr. Chairman:** There is an item later, I say to the hon. member.

**Hon. Mr. McKeough:** His comments would come under vote 1006.

**Mr. Chairman:** Right. Shall vote 1004, item 3, carry?

Vote 1004 agreed to.

On vote 1005:

**Mr. Chairman:** Item 1, programme administration. Shall this carry?

**Mr. Cassidy:** Just a minute, Mr. Chairman. Vote 1005, item 1?

**Mr. Chairman:** Vote 1005, item 1. Shall this carry? Carried.

Item 2, debentures planning? Carried.

Item 3, fiscal policy. Shall this item carry?

**Mr. Cassidy:** On vote 1005, item 3, Mr. Chairman, I want to raise some matters regarding property tax reform and market value assessment. It's rare that we actually get to the responsible minister for this area because of the division between the Ministry of Revenue and the—

**Mr. F. Laughren (Nickel Belt):** There is no responsible minister.

**Mr. Cassidy:** Well, maybe there is no responsible minister, because of the division between the Minister of Revenue (Mr. Meen) and the Treasurer. One is always prone to talk to the Minister of Revenue and eventually he reveals himself as a eunuch. Is he here? No; but I assure the House that's true.

**Mr. Laughren:** It is.

**Mr. Cassidy:** Anyway, there is a serious problem that has been created by the continued delays in the market value assessment programme as far as owners of condominiums are concerned.

In Ottawa at the present time, there are about 20 condominiums whose owners are

getting together and appealing to the assessment tribunals in order to get a better, more reasonable kind of treatment on the assessment of their condominium apartments. Their lawyers, who I think include the member for Ottawa East (Mr. Roy), have unfortunately had to tell them that their prospects for getting anywhere in the assessment review process are minimal. The reason for that is that the condominiums they live in are to be compared, in terms of assessments, only against comparable property.

The minister or his advisers can give the details of how that works, but effectively what it means is that at this time one condominium is being valued for assessment purposes against another condominium and against another condominium, and they are all being over-assessed as against residential property of other sorts and kinds.

To give a specific example, I have a friend who has a small, three-bedroom condominium. Her pay is probably not more than \$10,000 or \$11,000 a year. One of her children is handicapped. It hasn't got any of the kinds of amenities you find in a normal, old-fashioned kind of house close to the ground. She is a single-parent mother and her property taxes on that condominium amount to about \$700 a year on a property which probably cost \$25,000 to buy a year or so ago. That tax is twice as much as the tax on many residential properties within the city of Ottawa on properties which may be worth many times more than that particular property.

There is a real disparity which has come up, Mr. Chairman, and which obviously extends not just to Ottawa but across the province, where you get \$30,000 and \$40,000 condominiums which are being assessed at the same rate as \$50,000 and \$60,000 and \$70,000 homes. It's really inequitable and it's really frustrating the purposes of the condominium programme as it was introduced by the province a few years ago. I think it is sufficiently gross and sufficiently inequitable that whatever the progress of the market value assessment programme, the minister should step in and, as a matter of policy, either should come up with new values for assessing condominiums or some other means of getting people out of this jam.

**Hon. Mr. McKeough:** Mr. Chairman, that is the responsibility of the Minister of Revenue, not myself. He is responsible for assessment in the province. If there is an error in the assessment, then no doubt you would want to question him during his estimates. I would only make this comment, that right across this province, I would think,

practically in every municipality, except those municipalities which have been reassessed in the last four or five years—such areas as Peel, parts of my own county, Grey-Bruce, where it wouldn't be much of a factor, and Pickering, but certainly in Metropolitan Toronto generally—there is no question that apartment buildings, and I suppose those apartment buildings which have been converted to condominiums, are substantially overassessed.

I don't know what the ratios are now, but at one point in time residential units in many municipalities, Toronto perhaps being a case in point—this goes back four or five years but I think the relative relationship is about the same—were being assessed at about 20 per cent of value, commercial and industrial property roughly at 30 per cent of value and apartment buildings at 40 per cent of value. You had people living in apartment houses paying through their landlords twice as much in many instances in terms of market value assessment, had it been applied, as those people living in single-family homes. I suppose what the member is talking about is simply an extension of that into highrise condominiums.

**Mr. Cassidy:** That is correct. I'm just saying the continued delays of the market value assessment programme—I'll talk about that in a moment—have created a continuing series of inequities.

**Hon. Mr. McKeough:** The delays in the market value assessment programme are something which should be directed toward the Minister of Revenue in his estimates rather than in mine.

**Mr. Cassidy:** No, Mr. Chairman. Somebody has got to be responsible over there. The Minister of Revenue says the Treasurer is responsible for assessment policy generally. Not only is the policy of market value assessment presumably laid down by the Treasurer, but also the timing is laid down by the Treasurer.

**Hon. Mr. McKeough:** I'm responsible for taxation policy but not assessment policy. If these buildings are overassessed and if there is a delay in market value reassessment, then obviously, Mr. Chairman, I suggest that is a matter for the Minister of Revenue. I'm not responsible for the delay. It's my colleague, the Minister of Revenue, not I.

**Mr. Cassidy:** I'm sorry, Mr. Chairman, but the whole property tax reform programme emanated from this ministry to begin with.

**Hon. Mr. McKeough:** Yes, property tax reform. We'll take the responsibility for that but we cannot proceed with property tax reform any further until we do have market value reassessment, which is the responsibility of my colleague, the Minister of Revenue.

**Mr. Cassidy:** I am sorry, this is passing the buck. People will read this and—

**Hon. Mr. McKeough:** What the hon. member is doing is reaching and he knows it. He knows he should be talking to the Minister of Revenue and he wasn't here that day.

**Mr. Cassidy:** I have talked to the Minister of Revenue and he refers it back to this minister because he refuses to carry the can for the problem either.

**Mr. Chairman:** Order, please.

**Hon. Mr. McKeough:** Stop twisting.

**Mr. Cassidy:** There is a real problem there, Mr. Chairman.

**Mr. Chairman:** Will you sit down please?

**Mr. Cassidy:** Yes.

**Mr. Chairman:** The minister has made his statement and stated his policy. I see no point carrying on the conversation further. The member for Waterloo North is the next speaker.

**Mr. Cassidy:** Mr. Chairman, on a point of order, I did begin to raise this because the minister's people apparently feel they are responsible for policy as regards market value assessment, whether or not the minister is at some point.

**Mr. Chairman:** The minister has stated his position. I would think any further discussion now would be out of order.

**Mr. Cassidy:** If I could make one final comment, Mr. Chairman, and then I will subside on this particular point.

One of the functions of this Legislature is to ventilate serious problems which are abroad in the province. I am using the Legislature now in order to say there is a real problem with assessment generally and with condominium owners in particular. There is a real grievance there. Whoever is responsible within the government—and I can't find out who—and whoever the civil servants are who administer this problem. I am telling you this is the problem. For God's

sake act and cure it because people are suffering out there.

**Mr. Chairman:** The member for Waterloo North.

**Mr. Good:** Thank you, Mr. Chairman. What I have to say probably could be a combination of items 3 and 4 dealing with fiscal policy and debt.

**Mr. Chairman:** I assume item 3 will carry?

**Mr. Good:** Under item 3 there are provincial revenues and expenditures, taxation, and fiscal policy matters which could be in there or, it doesn't matter, under 4 as well.

**Mr. Chairman:** All right.

**Mr. Good:** I'll say what I want to say—

**Mr. Chairman:** We'll take it under 4 then.

**Mr. Good:** All right.

**Mr. Chairman:** The member for Waterloo North is next.

**Mr. Good:** Did you want to carry 3 first?

**Mr. Chairman:** Yes. I presume 3 is carried, fiscal policy?

**Mr. Good:** No, it isn't carried yet.

**Mr. Cassidy:** On 3, Mr. Chairman.

**Mr. Chairman:** The member for Nickel Belt on 3.

**Mr. Laughren:** Mr. Chairman, I'd like to make a few comments and ask the Treasurer a couple of questions on the whole area of fiscal policy and I believe this is the appropriate time to do that.

I am a great fan of the Science Council of Canada and not such a great fan of the Economic Council but they both published reports in the last two years which indicated we were heading for a crisis in the public sector. They detailed their remarks to some extent and said that if we, as a people, are going to continue to demand growth in the delivery of social services there is going to have to be some way to finance that growth. We cannot continue to go on the way we are, they said, letting the public service grow, without a corresponding growth in the industrialized sector of our country. Of course, Ontario is the leader in that respect.

I am wondering to what extent the Treasurer has looked into that whole question. We are seeing now in Ontario and elsewhere—not just Ontario—the problem of the public sector and restraints on the growth

of the public sector and ways in which we can control the growth of the public sector.

We have seen the federal government imposing restraints with its budget. We have seen the provincial government imposing restraints on the growth of the public sector yet it seems to me—I'd like to know what the Treasurer thinks about this—that is a very shortsighted view in that we know that people are going to continue to demand growth in the delivery of services. We have created those kinds of expectations in our people; certainly as a government and as an opposition we have done that.

I don't understand how a government, at whatever level, can't see this handwriting on the wall because surely it's there. Surely we know this is the case without saying what are the long-run solutions to building up the kind of economic society or economic development in a country or a province which will allow us to increase growth in the delivery of social services because that's really how we measure progress very often. I am talking about things like the delivery of health services; the improvement in the educational system; things like that. They are not frivolous expenditures because they are in the public sector. They are truly required; they are justified expenditures in modern society.

I am wondering what the Treasurer sees as being the long-run solution to the whole question of the public sector taking up an ever larger portion of either the provincial product or the national product—the creation of wealth at whatever level of government we are talking about—and whether or not the Treasurer has anybody within his ministry working on this problem or whether he has involved himself in the problem because I think it is a serious one.

**Hon. Mr. McKeough:** Mr. Chairman, I am not sure that we approach it from the same point of view.

**Mr. Laughren:** That's probably healthy.

**Hon. Mr. McKeough:** Certainly we have dealt with this, I am reminded, in budget papers in 1971, 1973 and in the 1975 budget. I'd refer my friend to the table which is on page B4, which shows public spending as a percentage of gross national product, both in Ontario and in Canada.

The fact is, in public spending in Canada, the figure that is used most when one reads about public spending today is 40 per cent of the gross national product. I don't think it is quite that high. The last figures we have



are from 1974. For all of Canada it has risen from 34.6 per cent in 1970 to 37.5 per cent in 1974. I doubt whether it has risen to the 40 per cent level in this year, but that is the figure that is kicked around.

In the rest of Canada other than Ontario, in fact it has risen from 36.3 per cent to 40.5 per cent, so other than Ontario it has reached the 40 per cent mark. In Ontario, the figures have held pretty well constant: 32.1, 33.3 33.3, 32.8, 33.2 in 1974, so it has risen 1.1 per cent from 1970 to 1974. Actually, the province has done better than that—much better than that. The provincial figures have gone 10.5, 11.3, 11, 10.5, 10.7; so we are up 0.2 but if you consider in with that local spending, which in effect we are responsible for one way or another, the combination of the two—provincial and local—the total would be 19.9 in 1970 and today it is 19.1. So, actually there is a drop in the combination of the two or, put in another way, were about even and local spending has actually declined a point as a percentage of gross national product.

The people who are most to blame, as always, are the government of Canada, who have risen from 12.2 per cent to 14.1 per cent. Obviously I can't be held accountable for their actions, but I have pointed out on a number of occasions since the budget, in a whole variety of speeches, that despite the protestations of the chamber of commerce and others, our record in Ontario is rather good. The Premier (Mr. Davis) used those figures and other figures in a speech which he made to the Ontario Chamber of Commerce in Niagara Falls a couple of months ago.

I would simply say this; there is no magic number as to what the percentage can be, but I think we in this party feel that government spending, government involvement in the economy as measured by spending, is high enough and it is our determination to keep our share of the pie, if I can put it that way, not growing, to try to leave more money with the citizens to sort out solutions to problems. Whether that will be possible or not I simply don't know, but we aim to try not to increase government's involvement as a percentage of gross provincial product any more than it is now.

**Mr. Laughren:** Mr. Chairman, would the Treasurer agree that his investment creates real wealth and there is investment or spending that does not create real wealth? I am sure the Treasurer would agree with that—that the frivolous kind of spending does not create wealth and therefore it is truly a

growth in the public sector that cannot be justified. I suggest the Treasurer, being, I think a Keynesian, would agree with that. What I am trying to get the Treasurer to respond to is whether or not he agrees that there should be an increase in the creation of new wealth in this country and in this province. How can he deny that? He is plugged into the growth as are all his colleagues.

If my assumption is correct, that the creation of new wealth is considered to be a good thing—assuming now it is a positive kind of growth and not producing atomic bombs and so forth—then how does the Treasurer see the Province of Ontario going about this? If I can be more specific, the Economic Council tends to brush all this aside and say it is a problem and we are going to have to cope with it. The Science Council, on the other hand, gets right down to the nitty-gritty and says that until this country—and substitute "province" for "country"—until this province uses its resources—we are getting to it now—to unlock that kind of development then we are never going to be able to prop up their support or parallel the growth in the public sector without it being an undue strain on the taxpayers of the Province of Ontario. I would like to know what alternative there is.

I obviously see things from my socialistic viewpoint. Since the Treasurer has stated it often enough, I know what his viewpoint is on the socialistic perspective. But my perspective, of course, is that only through the public ownership of those resources will we be able to unlock the development of the Province of Ontario.

I must say to you that my perspective is at least partially influenced by the area I represent, the Sudbury area with its enormous wealth. I was reading the other day that there has been 20 billion pounds of nickel taken out of the Sudbury basin since the turn of the century. The Treasurer knows the problems of the Sudbury basin and just how serious they are. Surely you see the contradictions of the kind of development that has taken place there, versus the kind of wealth that has been taken out and the kind of problems that the people in the Sudbury basin are left with.

What I am asking the Treasurer is whether or not he sees an alternative to the people of Ontario taking those resources unto themselves and developing them in such a way that it creates employment—not unemployment. I am sure the Treasurer is aware that there are now approximately 5,000 fewer

employees in the Sudbury works of International Nickel than there were three or four years ago. We truly have de-industrialization, and that's very serious. It is the opposite of what the Science Council and, indeed, the Economic Council are both saying as the answer to Canada's economic problems—particularly in the public sector.

I think the Treasurer will see that you can't separate the public sector from the private sector when you are talking about percentage of the gross national product, or the gross provincial production. I would sure like to know what the Treasurer sees as being an alternative to the ownership of those resources—so that we can develop them to the benefit of the people in Ontario; and so that we can truly industrialize Ontario where the opportunity exists. The opportunity is there—and there's no question about it. What did those 20 billion pounds of nickel go? We know where they went—I wonder whether or not the Treasurer can tell me what he sees as the alternative?

**Hon. Mr. McKeough:** I can't tell you what I see as an alternative, because I am afraid I just don't follow the member. Is he suggesting that public ownership of International Nickel would have provided the 5,000 jobs which have disappeared in the last few years?

**Mr. Laughren:** That's a specious reply. I am not talking about the public ownership of International Nickel in order just to keep those 5,000 people employed. I am not suggesting that for a moment. I am suggesting to you that if it were under public ownership and a Crown corporation, that resource could be further developed and processed in the Sudbury basin. World-wide decisions are now made solely in the interests of the corporation in New York. We could actually develop the resource further in the Sudbury area. We still see Falconbridge Nickel Mines shipping out its resources and not refining them there.

**Hon. Mr. McKeough:** You know, I guess that it just doesn't worry the member whether you can produce the nickel and whether you can sell it or not—it is not a consideration. I mean, we part company there.

**Mr. Laughren:** Mr. Chairman, the Treasurer is really not serious in suggesting that there would be no market for nickel that is produced in the Sudbury area?

**Hon. Mr. McKeough:** Obviously the market has fallen in the past few years.

**Mr. Laughren:** Obviously. I don't know how far back you want to go, but let's go back 20 billion pounds—shall we? If there had been a kind of sane policy for development in this province 75 years ago, an awful lot could have been done with that 20 billion pounds that has not been done. Surely you know that.

The minister indicated earlier in his response that he agreed there was a problem in the public sector, and that there was a reason why governments had to impose restraints on growth in the public sector. But he will not tell me what the alternative is. I mean, how do you see it developing? What do you see in terms of Ontario's future and the industrial development of the province? Surely, as Treasurer of the province, you must have some ideas, or some long-term ideas?

**Hon. Mr. McKeough:** I don't see it through the rose-coloured eyes that you see it through—

**Mr. Laughren:** They are not rose-coloured.

**Hon. Mr. McKeough:** —or glasses, which indicate that public ownership is the answer. I happen to believe that given the resources which we have in this country, which the good Lord gave us—

**Mr. Laughren:** And which we give away.

**Hon. Mr. McKeough:** —given the people we have in this country, who have arrived from many places, given the educational facilities which we've offered to them, and which, by and large, they've taken advantage of, given the level of technology which we are achieving, given a very healthy and a very strong, if not perhaps the best, capital market which has emerged in this country, particularly since the war and the support that's been given to it—

**Mr. Laughren:** Triple-A even.

**Hon. Mr. McKeough:** —no, I said capital market; that has nothing to do with our position in it—the capital market itself, and given appropriate government policies, given confidence on the part of the Canadian investor and the Canadian consumer, then I see nothing but up for this country. I don't see the need or the necessity for further government intervention or government intervention of natural resources. No, I reject that.

**Mr. Laughren:** Mr. Chairman, I won't delay this unduly. I realize the minister has many things for which he's responsible, but



I suspect he's aware of what the resource corporations are doing now in terms of development in the third world—

**Hon. Mr. McKeough:** Right.

**Mr. Laughren:** —and that our resources are being used to help these corporations develop in the third world. How long do you think those corporations will continue to bestow their munificence, if I could use the word sarcastically, on the people of Ontario if those resources are available cheaper some place else? Isn't that one reason why they have refrained from developing further the resources in this province, refining them further, creating the extra jobs here, rather than shipping them out?

**Hon. Mr. McKeough:** If it can be done more cheaply elsewhere, is that your question?

**Mr. Laughren:** Pardon?

**Hon. Mr. McKeough:** To refrain from doing something because it can be done more cheaply elsewhere, is that your question?

**Mr. Laughren:** No, that's not my question.

**Hon. Mr. McKeough:** It is.

**Mr. Laughren:** No, it's not at all.

**Hon. Mr. McKeough:** My answer is yes. I assume the reason that International Nickel, for example, or whoever, are looking for nickel in Panama is because they feel the ore body may be richer, can be developed at a lesser price than another ore body somewhere in northern Ontario. I don't see anything particularly wrong with that.

**Mr. Laughren:** It's not just Panama you know, it's all around the world, including the ocean floor. You see nothing wrong with them doing that, and in the meantime just shipping out the resource here? What are we left with then?

**Hon. Mr. McKeough:** I don't think the resource is being shipped out to the extent that the member is talking about.

**Mr. Laughren:** Of course it is.

**Hon. Mr. McKeough:** We have a Canadian automobile industry, an automobile industry which is thriving in this province and which could be doing a lot better, which uses an awful lot of Canadian nickel.

Let me add this: I'm very proud, as a Canadian—which the member doesn't want to be—that International Nickel—

**Mr. Laughren:** Oh come on. Why do you have to throw in those snide comments?

**Hon. Mr. McKeough:** —now a Canadian-controlled company—

**Mr. Stokes:** He's much more nationalistic than you are.

**Hon. Mr. McKeough:** —is, in fact, operating in this whole world, using Canadian technology, Canadian capital, Canadian people, and is in fact doing business around the world. I'm very proud that this country of ours has come that far. I'm very proud of the fact that International Nickel was, in fact, a British-owned and then an American-owned company, and is now a Canadian-owned company. I'm very proud of the fact that Massey-Ferguson is doing business throughout this whole world. I'm very proud of the fact that the Canadian financial community is recognized throughout the whole world as a leading community. I'm very proud of the fact that the five major Canadian chartered banks—

**Mr. Cassidy:** This is a hymn to capitalism.

**Hon. Mr. McKeough:** —are recognized as world leaders throughout the world in financial circles.

**Mr. Cassidy:** A eulogy to high finance.

**Hon. Mr. McKeough:** I'm proud of the fact that Canadians have, in fact, been moving out with their technology, with their skills, with their money, into the world—and making a profit doing it. I might say—to the benefit of all of us back here in Canada. You don't agree with any of that. So be it.

**Mr. Laughren:** Mr. Chairman, I can't let that go by. I'm surprised that the Treasurer can't engage in a debate without resorting to the ad hominem kind of arguments he does, but we've grown to accept that from the Treasurer. Yes, you're quite right—I'm not proud of the fact that Falconbridge exploits the black people in the third world the way it does. I'm not at all proud of that. I'm not proud of the way the Royal Bank of Canada conducts itself in the third world either. You measure things in a different way from the way I do. You measure them strictly in terms of the profits. You say that yourself.

**Hon. Mr. McKeough:** No, I didn't say the profits.

**Mr. Cassidy:** Yes, you did.

**Mr. Laughren:** You can cloak yourself in your aristocratic arrogance if you will and



talk about profits alone, forgetting about social development, but that's not where we are at in this party and that's why we are on opposite sides of the House.

**Mr. Chairman:** Shall item 3 carry? Carried. Shall vote 1005 carry?

**Mr. Good:** No.

**Mr. Chairman:** On item 4? The hon. member for Waterloo North.

**Mr. Good:** Dealing with general financial management, cash flow and what not, I would like to ask the minister for a few more details regarding our relationship and use of the Canada Pension Plan fund. This was mentioned by the member for York Centre in the budget leadoff, but I don't think we got any particular answers.

The member for Grey-Bruce (Mr. Sargent) asked a question the other day relating to the time when the expenditures in Canada Pension Plan funds would equal the receipts, and the answer I interpreted from the minister's remarks was that we are not worried about that because that is some time in the future.

While the contributions have remained the same—1.8 per cent for both the employees and the employers—the benefits of course have been increasing, with the result that progressively there is less and less money available in terms of receipts over expenditures. I suppose that as an actuarially sound fund, it will eventually reach the point where the receipts into the fund will equal the expenditures paid out on an annual basis and there will be no surplus of funds available for the province to borrow. This year's budget indicated that the province expects to borrow \$750 million from the Canada Pension Plan fund. This will be the largest amount borrowed, having gone up from \$536 million in 1972-1973.

The Canada Pension Plan fund, of course, represents about 56 per cent of all the provincial borrowing and is a great source of revenue for the province in that they have not had to go to the public money market for a good many years.

I would like the Treasurer to comment on Ontario's proposals, which I understand would require amendments to the Canada Pension Plan Act, which requires a majority representing two-thirds of the provinces and two-thirds of the people. Ontario's proposals are that the funding should be increased so that when that levelling-off point is reached, there would be additional funds available and

the provincial cash flow would not become negative, let's say, around the beginning of the 1980s.

The chart I have here shows that in the 1980s the surplus of contributions, plus interest, will disappear to the extent that all the moneys paid in will be required to keep the fund solvent as it reaches its position of full benefits being paid out.

The proposal from the province, I understand, is that the input be increased so that there will be borrowing capacity. I understand the proposal by the federal government would allow the contribution payout to become equal once the two meet. However, this would not leave any excess money available for the province to borrow.

If you look at the proposal of the Ontario government—that is, the increase in the Canada Pension Plan contributions at a rate greater than the escalation factor for the benefits—I feel that in effect is providing additional moneys for the Province of Ontario, over and above what is needed for the plant and, in fact, would be comparable to a direct tax so that the province has non-public moneys available for its borrowing purposes. While I agree that this could not be accomplished without the consent of the other provinces, or at least two-thirds of the other provinces representing two-thirds of the population, I don't think it's the proper way to look at financing for the Province of Ontario because, in effect, the people then are subsidizing the province because your interest borrowing rate to the pension fund is somewhere around eight point something, I believe.

**Hon. Mr. McKeough:** It's more than that now.

**Mr. Good:** Whatever it is you borrow from the pension fund. The people pay excessive premiums, or they will have to, if your plan materializes, with the result that really you're asking the people of Ontario to pay an additional tax to give you this nice built-in source of funds which you can borrow anytime you want without going to the public money market. This has been a great bonanza and I shudder to think what the financial position of the province might be in relation to its ability to borrow in the public market, had you had to borrow all the funds available through the Canada Pension Plan on the public market instead.

I understand, this last issue in the beginning of July was snapped up quite quickly. Could the minister correct me? Was that issue at nine per cent, that \$150 million

at the beginning of July? This shows that your issue was readily accepted at a relatively good rate of interest and that perhaps is simply because people have been waiting for four or five years to go to the public money market because you've had all your sources of funds available from a private source.

I don't think the people of Ontario should have to pay excessive premiums for Canada Pension Plan to help finance the Province of Ontario. That's what it is going to amount to, if you don't let this thing work out to its natural meeting of the two lines on the curve and keep the Canada Pension contributions only at the level required to keep an actuarially sound pension fund available.

**Hon. Mr. McKeough:** But it is not actuarially sound. It wasn't designed that way.

**Mr. Good:** Eventually, it will be at the point, whether it is actuarially sound. The original proposal is that it gets to the point where the contributions equal the payments out. Whether it's actuarially sound or not is immaterial. People are paying in what they expect to get out. If your point of view is followed through to its logical conclusion, you're saying: "When you're paying your payments in, pay something extra because we want some nice money available for the province." Is the minister saying that was not the proposal? I understood it is your proposal.

**Hon. Mr. McKeough:** No, we haven't any proposal at the moment that I'm aware of for changes in the plan. There are discussions going on between the provinces. The government of Canada has certain proposals; the Province of Quebec has certain proposals. We haven't anything firm to put in front of anyone.

**Mr. Good:** Mr. Chairman, the minister is quite correct. You have nothing firm but the proposals made from Ontario have been that the plan's contributions be increased over and above that required to meet outgoing payments, which in fact would be an additional tax on the people of Ontario to give you a good borrowing source. I think that is wrong. It's just not going to be all that simple to change the provisions of the Canada Pension Plan but I think your position should be made known because you have benefited greatly from this source of revenue. While your initial \$150 million offering on the public market two weeks ago was very well accepted, now that you require an extra \$100 million this year for a

total of \$675 million, one wonders by the time your last offering goes just what the public acceptance will be and what your rate of interest at that point will have to be.

I wonder too then what the minister is going to propose to replace the Canada Pension Plan as the source of borrowing when the two lines on the chart meet to show that our revenue will not exceed amounts being paid out. What are your plans for the long-term financing of the provincial debt?

**Hon. Mr. McKeough:** The long-term plans?

**Mr. Good:** Yes; when these funds are no longer available.

**Hon. Mr. McKeough:** When these funds are no longer available? That's probably—82 is the crossover point.

**Mr. Good:** Five years?

**Hon. Mr. McKeough:** We'll wait to see what develops in terms of consensus among the provinces, Quebec in particular, which runs its own plan. Certainly I make no apology for the plan but these pension funds have been of great assistance to the province, to our municipalities and to our institutions as a source of borrowing. Of course, I would point out that if, in any way, the Canada Pension Plan had been on an actuarially sound basis—as it would have to be if it came under the Ontario Pension Benefits Act—the premiums would be considerably higher than they are now; much higher. It can be said that for the premiums paid we are all going to get a very good pension.

**Mr. Good:** At the present time, I understand you are borrowing from the plan on a 20-year debenture basis; could the minister indicate the total debentures you have issued against the plan up to this time? While in your Treasurer's report I can find the interest on public debt, which is \$677 million a year, could the minister indicate what interest you are paying on the total non-public debt and what that amount is at present?

**Hon. Mr. McKeough:** The total is roughly \$4.3 billion Canada Pension, and the interest we are paying on the \$4.3 billion is included in the \$677 million interest on the public debt; correct?

**Mr. Good:** You mean the interest shown on public debt includes that, but when you show your non-public borrowings you separate the borrowings but you don't separate the interest; is that correct?

**Hon. Mr. McKeough:** That's correct.

**Mr. J. F. Foulds** (Port Arthur): Right.

**Mr. Breithaupt**: Yes, three out of five nodded yes.

**Mr. Chairman**: Is Item 4 carried?

**Mr. Laughren**: No, we are still on item 3, I believe, Mr. Chairman.

I'll be very brief. I detected a note of derision in the tone of your voice—

**Mr. Chairman**: We are on item 4.

**Mr. Laughren**: Three.

**Mr. Chairman**: Four.

**Hon. Mr. McKeough**: Four.

**Mr. Laughren**: When did we move?

**Mr. Breithaupt**: Just after you finished.

**Mr. Laughren**: When it comes to Treasury, Mr. Chairman, on item 4 which is what I want to talk about, having detected a note of derision in the Treasurer's voice earlier I wanted him to be aware of the fact that my views on the resource corporations in the third world are shared by the Anglican Church.

**Mr. Cassidy**: Of which the minister is a well-known member.

**Mr. Laughren**: I didn't know that.

**Mr. Foulds**: It is the true church of the Family Compact of which the minister is a member.

**Mr. Chairman**: Shall item 4 carry?

**Mr. Cassidy**: Mr. Chairman, if the minister could spare us from a long statement could he briefly give a bit of elucidation on the development loans included in this vote? If the minister has a very long statement I wish he'd send it over rather than take up the time of the House; development loans, a statutory vote under this item.

**Hon. Mr. McKeough**: One hundred and forty-four million?

**Mr. Cassidy**: Yes. After hearing about women for 20 minutes yesterday I don't want to get a long statement but I would appreciate a short one.

**Hon. Mr. McKeough**: I didn't think it was quite that long. I found it very fascinating; of course, we on this side have a genuine interest in the—

**Mr. Cassidy**: So do we, Mr. Chairman. We have been fighting the government for a long time on it.

**Mr. Foulds**: That's because you like the sound of your own voice.

**Mr. Breithaupt**: You didn't let him finish. He was going to say he had a genuine interest in statements.

**Hon. Mr. McKeough**: What does the member want to know about the development loans?

**An hon. member**: Everything.

**Mr. Cassidy**: I just want a statement on them.

**Hon. Mr. McKeough**: I don't know how we could make a statement on them. These are loans which are made—do you want a breakdown of them?

The Ontario Education Capital Aid Corp., \$91.8 million; the Ontario Universities Capital Aid Corp., \$42.3 million; the Ontario Municipal Improvement Corp., \$10.5 million; totalling \$144.6 million.

**Mr. Chairman**: Shall vote 1005 carry?

**Mr. Good**: On that point; under the Ontario Municipal Improvement Corp. That's the area in which you pick up all the debentures on municipalities under 20,000?

**Hon. Mr. McKeough**: Well, yes. We will if they want us to. It's not mandatory.

**Mr. Good**: At what rate of interest do you buy those debentures?

**Hon. Mr. McKeough**: Presently, 10¾. Our rate is 10¼ at the moment and if we add on half a point, it's 10¾.

**Mr. Good**: So you borrow money from the public sector for nine per cent and you charge the municipalities 10¾. What are you running over there, a bank?

**Hon. Mr. McKeough**: We borrowed money at nine per cent last month for eight years and we are lending it out to the municipalities for 20 years. There is a difference.

**Mr. Good**: At 10¾, yes. Man, your spread is almost as big as the trust companies and banks.

**Hon. Mr. McKeough**: The province's long-term rate at this moment for 20 years would be about 10¼. We are making half a point on it.



**Mr. Good:** There's nothing to prevent those municipalities from going to the public money market?

**Hon. Mr. McKeough:** We are delighted if they do.

**Mr. Good:** Could you give any indication of what they have to pay on the public money market?

**Hon. Mr. McKeough:** Most of those that are borrowing from us would pay—oh, I'm guessing, but probably half a point or three-quarters of a point more. We deliberately keep the rate about half a point above our rate because that rate, hopefully, we see to be around where the larger municipalities and the regional municipalities are borrowing, and borrowing very well. We want them to continue to do that rather than our lending more and more municipalities money.

**Mr. Good:** On your review in your budget of total assets and liabilities—

**Hon. Mr. McKeough:** Metro would be paying about 10% now if they were going to the market.

**Mr. Good:** Total liabilities and then total assets; now when you in your financial statement show assets, I presume you are showing the notes that you hold from universities and the Education Capital Aid Corp. and the municipalities?

**Hon. Mr. McKeough:** School boards, yes.

**Mr. Good:** What about the universities? Really their only source of income is this government, eh?

**Hon. Mr. McKeough:** The member's quarrel is with the Universities Capital Aid Corp., which was set up 10 years ago, or with the Education Capital Aid Corp., which was set up I think about that long ago. You've made this same point time and time again.

I suppose it was certainly to be looked at as a financing device at that point in time—in effect to say that instead of paying for a new university building in one year, in effect we are going to pay for it in 20 years. Does that make the member feel a little happier?

**Mr. Good:** No. I have no objection to the way you finance universities. My objection is to your method of accountability and reporting to make your statistics look good. You know, you show as assets a drawerful of notes held by the university and the only way those will ever be paid off is for you to give them the money.

**Hon. Mr. McKeough:** Oh, don't be sure.

**Mr. Good:** And the same with the education corporation; 50 per cent of that money to pay off those notes that you keep as assets in your drawer has got to be given to the school boards first—

**Hon. Mr. McKeough:** It's higher than that.

**Mr. Good:** —it's 60 per cent now on the average.

**Hon. Mr. McKeough:** It's much higher than that.

**Mr. Good:** On the average, 60 per cent.

**Hon. Mr. McKeough:** Much higher.

**Mr. Good:** In my own area it's 50 per cent.

**Hon. Mr. McKeough:** No, no. Capital—it's much higher.

**Mr. Good:** Capital is much higher?

**Hon. Mr. McKeough:** Certainly it's higher.

**Mr. Good:** So then you admit that the backing on a large percentage of what you show as assets has to come from the province to begin with.

**Hon. Mr. McKeough:** In the future.

**Mr. Good:** What I'm saying is it distorts your financial picture—which would really make your net debt considerably more than what it really should—

**Hon. Mr. McKeough:** Do you want me to agree with you? I agree with you.

**Mr. Good:** I would like you to put out a financial statement which is really representative of the true financial position of the province.

**Mr. Cassidy:** The minister agrees with the member.

**Hon. Mr. McKeough:** It is put out on a basis consistent with everybody else in the financial field.

**Mr. Good:** Sure, if you are consistently wrong. There's nothing good about that.

**Hon. Mr. McKeough:** It is consistent with everyone else's statement. Stop running the Province of Ontario down all the time. That's what you are doing—running the province down all the time.

**Mr. Good:** No, I'm not. It's just your way of juggling the books that we are concerned about.

**Mr. D. M. Deacon** (York Centre): What we are asking, Mr. Chairman, is that the minister present the true facts and do it in a way that—

**Hon. Mr. McKeough:** If the member wants us to we can carry on the books billions of dollars. This building right here, which even the member opposite would think was worth something, is carried on the books at \$1, along with all our other assets. Ninety per cent of the land area of this province is carried on the books as part of that dollar. Stop trying to prove the province is bankrupt. It hasn't been for 32 years. It nearly was when the Liberals left, but it isn't now.

**Mr. Good:** It nearly went bankrupt several years ago.

**Mr. Deacon:** What I am trying to state is that we should be consistent in government accounting. The government accounting that was brought in, we understand, is quite different from general business accounting, where you do show the value of assets and depreciate it. In government it has been the practice to write it all down, as the minister says, and to show this building as being valued at \$1, although we all know it to be worth many millions.

Why not be consistent? Since the province cannot expect them to generate revenue to pay off their debt, why not show all the province's educational and similar buildings as zero assets? They should be written right down so they are not presented as an offset to the gross debt. Legitimately show what they are; don't represent moneys that have been borrowed from the public for self-generating and self-supporting assets. Boy, it is aggravating—

**Mr. P. Taylor:** —doesn't even have the courtesy to listen.

**Mr. Chairman:** Order, please. Statutory matters are not usually items for lengthy debate, and I would suggest that this would more rightly belong in a budget debate.

**Mr. Deacon:** Mr. Chairman, do you mean to say that discussion of whether the moneys owed by the Ontario Universities Capital Aid Corp. should be shown as an asset, or written off and not shown on the asset side, is something to do with statutory debate?

**Mr. Chairman:** No, I am simply saying that this is listed as a statutory matter, and

as a matter of courtesy the minister discussed it with you; but lengthy debate is not usually entered into on statutory matters. It is, I submit to you, a proper subject for budget debate.

**Mr. Deacon:** That gets the Treasurer off the hook.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Chairman, this may be an appropriate place to move that the committee rise and report.

**Mr. Breithaupt:** Mr. Chairman, unless my colleague wishes to continue on this particular point, we would agree to have this vote carry or whatever is wanted by the members.

Vote 1005 agreed to.

**Hon. Mr. Winkler** moves that the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of supply begs to report it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, I would ask the permission of the House to return to reports.

**Mr. Speaker:** Do we have such permission?

Agreed.

**Mr. R. G. Hodgson** from the standing social development committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Mr. J. R. Breithaupt** (Kitchener): Committee of the whole House.

**Mr. Speaker:** Committee of the whole House.

Agreed.

## PROVINCIAL SCHOOLS NEGOTIATIONS ACT

Hon. Mr. Wells moves second reading of Bill 132, An Act respecting the Negotiation of Collective Agreements between the Provincial School Authority and Teachers.

**Mr. Speaker:** Does the minister have an opening statement?

**Hon. T. L. Wells** (Minister of Education): No.

**Mr. Speaker:** All right. The member for Windsor-Walkerville.

**Mr. B. Newman** (Windsor-Walkerville): Mr. Speaker, I thought the minister would have an opening statement, since there may be some substantial changes in this legislation as a result of Bill 100.

**Hon. Mr. Wells:** Mr. Speaker, I made an opening statement on this bill when I introduced the bill. I think it is a very simple piece of legislation. It provides for the establishment of a Provincial Schools Authority and it then provides for the establishment of a bargaining unit made up of the teachers who are employed at the present time on contract by various ministries of this government. Once those things are done in this bill, the provisions of Bill 100, excepting certain things that wouldn't pertain to these particular teachers, then apply to them in their bargaining. I think it's all very straightforward and does not need any amendments except one very small one where we changed a number of a section in committee during discussion of Bill 100.

**Mr. B. Newman:** Mr. Speaker, as the minister has explained the thing, I won't make any further comments.

**Mr. Speaker:** Any further comments? The member for Port Arthur.

**Mr. J. F. Foulds** (Port Arthur): Thank you, Mr. Speaker. I, too, will be brief, although not as brief as my colleague.

I have seldom felt more pleasure at a bill brought forward by the government than this one. A number of members may recall that on Nov. 12, 1974, during consideration of the estimates of the Ministry of Education, I brought to the House's attention a serious problem surrounding the negotiating procedures between the teachers working for the various ministries and what was then the school management board, I believe it was called, with the ministry. Fortunately those serious situations, which appeared

pretty close to heading towards a breakdown, were resolved before the end of 1974. I feel, perhaps somewhat immodestly, that both inside and outside the House I was able to make some small contribution to that. It was during that debate that this party brought forward very strongly the suggestion that the teachers teaching in special schools for the various ministries should have the full rights and privileges of other teachers in the province. So I wholeheartedly endorse this bill.

I know there will be some difficulties after the Act is passed. There will be some difficulties for a year or two as both parties are finding their feet under regularized negotiations. I know there may even be difficulties within the ranks of the teachers as they become more unified in one group, as they will be under this bill. I think all these things will work out; (a) for the betterment of the teachers involved; but perhaps even more important, (b) for the betterment of the school system operated under the various ministries.

**Mr. B. Newman:** And the students.

**Mr. Foulds:** As my colleague from Windsor-Walkerville points out, this bill will also benefit the students who are special students in many of these institutions—the blind, the deaf, some emotionally disturbed kids and some juveniles with the Ministry of Correctional Services who need special attention and special care.

The principle involved in this bill goes one small step further in reality than does Bill 100, even though it piggybacks on the principle of that bill; that is, it is extending the principle of full collective bargaining to those who have been contract teachers within the ministry, with no real classification and no real association.

I can't say how pleased I am that this bill is being brought forward. I think I know the small amendment the minister talks about. I assume it will come in section 6 of the bill as it stands. I'm almost sorry that we have to go to committee to do that, but I suppose it could be done very quickly.

I wonder if the minister could respond to indicate the eventual future or structure of the bargaining unit. I imagine we would need an amendment to a different Act to do this, but would it be possible for these teachers at some future time, once they've organized their unit, to be affiliated with the OTF, for example, which may be their desire and which I assume would be useful and



profitable for the teachers in terms of professional development in particular.

If that is a possibility, I would certainly urge the ministry to bring forward the appropriate amendment probably to the Teaching Profession Act at that time.

We in this party support the bill. We know that there will be some shaking down process necessary over the next year or two. It's a principle we endorse. As I read through the legislation, I could not see any faults in this bill comparable to those that are in the bill that is being brought in under the Ministry of Colleges and Universities which tried to piggyback on Bill 100 somewhat less successfully. For all those reasons we support the bill.

**Mr. Speaker:** The member for York Centre.

**Mr. D. M. Deacon (York Centre):** Mr. Speaker, I also rise to support the bill, which agrees in principle with what we would be introducing if we were in the same position as the minister, which we hope to be.

There is one point I would like to bring to the minister's attention, again in this bill as with the other one, and that is the question of the appointment of the Provincial Schools Authority.

Is the Provincial Schools Authority in this case to act in a similar manner in negotiations to the Education Relations Commission? Is there no provision for term of office and for the right of challenge appointments to this body? Is this authority strictly an operating authority? Exactly what is its role in the matter of negotiations? It seems to me, if it's similar to the commission in its role, which I interpret from this, we should be sure it is a commission that has the confidence of the employees. Therefore there should be the right of challenge and there should also be some term of office designated in clause 2, so that the members of the authority don't carry on indefinitely and there is room for new ideas to come in from new appointments.

**Mr. Speaker:** Are there any other hon. members who wish to speak to this bill? The member for Ottawa Centre.

**Mr. M. Cassidy (Ottawa Centre):** I wanted to make a couple of comments in supporting the comments that were made by the member for Port Arthur, Mr. Speaker. I am also supporting the bill, but I am raising a more general question which the minister might wish to engage in or which perhaps he would like to get the Chairman of Management Board to comment on.

The teachers involved—600 or so of them—have been in a very difficult situation up until now because they have been contract employees. They were not Crown employees; they were neither fish nor fowl. They came not under the Labour Relations Act nor under the Crown Employees Collective Bargaining Act. However, if one looks at the section on administration in the bill, under section 4(2) in particular, it spells out fairly clearly that the administration for these teachers will be by the deputy minister of the departments concerned.

These schools are effectively an operating branch of the government. What we are seeing in this bill is that the government had moved one step closer to that kind of halloved area which is still being excluded from free collective bargaining, that is the people who are Crown employees who work directly for the Province of Ontario. As it happens, these teachers did not have the Crown employees status before, but in all other respects they could have been considered as government employees. We have to ask the question that if a formula for free collective bargaining can be created for people who work in the various provincial schools across the province and who work in schools that are, as the Act says, administered by the deputy ministers of the departments concerned, and if they can be given the right to strike under certain circumstances, then what is it in logic, in principle or anything else, that bars the government from taking the same steps with respect to those tens of thousands of civil servants who plough the roads, who cook the meals, who type the letters and who do all the other jobs which are needed for the Province of Ontario, and who are also performing tasks that are very similar to those in the private or in the non-provincial government sector.

If teachers in provincial government schools get the same rights as teachers in board of education schools, then why shouldn't secretaries in Queen's Park get the same rights as secretaries in Bay St.; or cooks in the cafeteria downstairs get the same rights as cooks in the Toronto-Dominion Centre; or bulldozer operators for the Ministry of Transportation and Communications have the same rights as bulldozer operators who work for Pigott or Cape or some other big construction firm.

The inconsistencies that are revealed by this bill trouble us greatly, Mr. Speaker. We would hope that the minister, having acknowledged that the public servants within his realm of responsibility should have free

collective bargaining rights, including those that are administered by his own ministry, would extend that principle and would argue very hard in cabinet that the principle that is created here be extended to all Crown employees.

**Mr. Speaker:** Any further comments on this bill? If not, the hon. minister.

**Hon. Mr. Wells:** Mr. Speaker, I appreciate the unanimous support from the parties opposite on this bill. I think it is a good bill and it does something that should be done insofar as this group is concerned in its negotiations with the government.

The matter of their future relationship with the Ontario Teachers' Federation is going to have to be something that will have to be considered and worked out as the process develops under this bill and future negotiations and these people feel their way under this whole new setup. That will have to be something that will have to be worked out among the teachers and the federation and the Provincial Schools Authority and the government. I wouldn't want to predict what it would be at this time.

I think there is a misunderstanding, Mr. Speaker, about the Provincial Schools Authority that is set up in this bill. It is not in any way the counterpart of the Education Relations Commission. It is the employer and it will be made up of five civil servants of the government from either the ministries or the Management Board.

**Mr. Deacon:** It is like the school board, is it?

**Hon. Mr. Wells:** It is the school board for the purposes of the hiring and bargaining; but not for general administrative purposes, which as my friend just said remain with the deputy ministers of the various departments. The Provincial Schools Authority will be five civil servants who will in effect be the management side of the bargaining process that goes on.

**Mr. Foulds:** Is it roughly the same as the school management committee that now exists?

**Hon. Mr. Wells:** No, because the school management committee really was a device that was set up to allow us to sign contracts with the teachers but it had no authority to negotiate. Under this bill this group will act as a school board and in the context of Bill 100 will be the party that is referred to there as the school board. In fact they

will be representing the government; they will be the official management side at the bargaining process.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Hon. Mr. Wells:** No, committee of the whole House.

**Mr. Speaker:** Committee of the whole House.

Agreed.

### TEACHERS' SUPERANNUATION AMENDMENT ACT

**Hon. Mr. Wells** moves second reading of Bill 139, An Act to amend the Teachers' Superannuation Act.

**Mr. Speaker:** Is there an opening statement by the minister?

**Hon. Mr. Wells:** Mr. Speaker, as I indicated when I introduced this bill, this is a collection of housekeeping and minor amendments to bring things up to date in the Teachers' Superannuation Act. There are not any major changes in the plan here. The major change in this plan, insofar as teachers are concerned, is the adding of the escalation feature which was accomplished through the bill that my colleague, the Chairman of Management Board, piloted through this House last week. It adds this very important new feature to the teachers' superannuation plan. As I indicated at that time, Mr. Speaker, the teachers have accepted the provisions of the Superannuation Adjustment Benefits Act that was presented so that they will be contributing one per cent additional of their salary and enjoying the benefits of that particular Act.

This is a collection of housekeeping and minor amendments, a couple of which are to mesh in with that escalation Act.

**Mr. Speaker:** The member for York Centre.

**Mr. Deacon:** Mr. Speaker, I am pleased to see that this bill does end one bit of sex discrimination, in that widowers now qualify as well as widows. Also, there's provision for a person who ceases to be employed due to the adoption of a child or duties as a member of the municipal council or local board, to contribute to the fund for the period so that they don't lose out on that.

As we see it, this is certainly a good house-keeping bill. We are looking forward to a bill that will provide for the independence of the superannuation fund from the province, where they invest their own funds in a way they see fit and get a good return in the future from their pension contributions.

**Mr. Speaker:** The member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Speaker. I could speak at great length on this bill for what it does not accomplish, but I won't.

I often wonder how the term housekeeping bill arose. I think it's probably a sexist and discriminatory term that we should eliminate from our vocabulary in the Legislature.

It is a bill that tidies up a number of minor things that I gather the ministry and the teachers have been able to agree on before any blood-letting in the fall. But the major amendments that we had hoped for are not forthcoming at this time.

We support this bill, although one is always a little uneasy in the Legislature ever since the Premier (Mr. Davis) brought in a housekeeping bill in 1968 that gave the minister the right to impose ceilings, so one tries to read the clauses pretty closely and pretty thoroughly. Having done that, though not a legal expert, I don't see any large holes through which the superannuation fund can be further exploited than it is.

There is one matter I would like to bring up with the minister. We were discussing the superannuation fund during his estimates. We did get a commitment from the minister that at some point we would bring the superannuation commission and the commissioners before a standing committee of the Legislature so that we could have a thorough discussion of the fund and its implications and ramifications. As the session winds its way to its post-solstice conclusion, I don't suppose that is possible.

I would just like to say that when this party forms the government after the election we will be glad to fulfil that commitment of the present minister.

**Mr. Speaker:** Any further comments on this bill? If not, does the hon. minister wish to reply?

**Hon. Mr. Wells:** Mr. Speaker, first let me say that it had been fully my intention, and really I had discussed at some time with the chairman of the committee about the superannuation commission appearing. I guess the concerns that we have had about Bill 100

and other legislation have caused this to be delayed; plus, I think, the fact that we were carrying on active discussions regarding the escalation bill. I think all concerned felt that we should wait until those discussions and the determination of policy in that matter had been finalized before the commission came down. But I will guarantee my friend, since I fully expect to be here in the fall when we meet again, and doing this job, that I will have them here then.

I would like to just correct something that has just been mentioned during this debate, because I think it is a fallacy. I hope that my friend, the member for York Centre, will realize that it is. He talked about hoping for the eventual independence of this board, the superannuation commission, and the inadequate returns in interest and so forth.

I just want to make it very clear, Mr. Speaker, that during all the discussions that we have had—and we have had many with the teachers about these amendments and about other superannuation matters—the official position of the Ontario Teacher's Federation, has first of all never been to ask for the independence of the teachers' superannuation commission.

**Mr. Deacon:** Are they still afraid to be on their own?

**Hon. Mr. Wells:** They have not asked for it, and the commission has not asked for it, and they are happy to stay in the same legal status that they are at the present time. Furthermore, they do not make with us the point that the fund is being mismanaged or exploited. That has never been the official position that has been put forward to us by the Ontario Teachers' Federation and those bodies that make it up in official meetings.

**Mr. Deacon:** There is certainly a division of opinion within the body on the matter.

**Hon. Mr. Wells:** There is a minuscule group of people who have some differing ideas, but by and large, recognizing, as I know my friend does, the democratic process and so forth, the vast majority of people represented by the Ontario Teachers' Federation have not asked for those kinds of structural changes in the commission.

**Mr. Deacon:** Is the minister sure it is minuscule?

**Hon. Mr. Wells:** Certainly I'm sure it is, because I've discussed it with them many times. Certainly they're interested in major changes, such as my friend has indicated over here. They want major changes in the plan,



but in the benefits side of the plan. They don't want to take over the fund, and they don't charge that there's been mismanagement of the fund at the present time.

**Mr. Speaker:** The motion is for second reading of Bill 139. Shall this motion carry?

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 139, An Act to amend the Teachers' Superannuation Act.

### EDUCATION AMENDMENT ACT

Hon. Mr. Wells moves second reading of Bill 118, An Act to amend the Education Act, 1974.

**Mr. Speaker:** The member for Waterloo North. Oh, is there an opening statement by the minister, first of all?

**Mr. E. R. Good (Waterloo North):** The bill we are discussing is the reprinted bill.

**Hon. Mr. Wells:** Oh, yes, Mr. Speaker, I'm sorry. I might indicate to the members, in order to do this, of course, we'll have to go to committee with this bill so that we can move for consideration of the reprinted bill. In the time between the introduction of the first bill and the consideration of the matters which it was intended to handle, it became obvious that a different way of handling the matter should be taken than was in the first bill. So we have reprinted the section in the reprinted bill, and I think that handles better the matter that this is meant to cover.

I will assure the House that when we go into committee we'll move consideration of the reprinted bill. Instead of debate on second reading it may be that the better way to handle this, Mr. Speaker, would be to go into committee and then have the bill fully discussed in committee so that we are officially and legally discussing the reprinted bill.

**Mr. Speaker:** There may be some appropriate comments at this time. The member for Waterloo North.

**Mr. Good:** I have other commitments, Mr. Speaker, in the labour committee down there. I would just like to address a few remarks on second reading and I probably won't be here in committee.

**Hon. Mr. Wells:** Mr. Speaker, we could go into committee right now if that was the desire. If we wanted to give this bill second reading and then go into committee, we could.

**Mr. I. Deans (Wentworth):** Mr. Speaker, we would be quite happy to proceed with it directly into committee.

**Mr. Speaker:** We will put the motion then. The motion is for second reading of Bill 118.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** I understand it's to go to committee of the whole House.

**Clerk of the House:** The third order, House in committee of the whole.

### EDUCATION AMENDMENT ACT

House in committee on Bill 118, An Act to amend the Education Act, 1974.

**Mr. Chairman:** Are there any comments, questions or amendments on any section? If so, which section?

**Mr. E. R. Good (Waterloo North):** Section 2, Mr. Chairman.

**Mr. Chairman:** Before we discuss the clause by clause, perhaps we should establish that it is the reprinted bill that is to be considered, is it? Is that in agreement with the committee?

Agreed.

**Mr. I. Deans (Wentworth):** Move your amendment.

**Mr. M. Cassidy (Ottawa Centre):** The minister should move it, Mr. Chairman.

**Hon. T. L. Wells (Minister of Education):** Yes, I am moving it.

Hon. Mr. Wells moves that the reprinted bill be considered by the committee.

Motion agreed to.

**Mr. Chairman:** The hon. member for Waterloo North on section 2. We assume section 1 is carried.

On section 2:

Mr. Good: Mr. Speaker, I think at this point I will have to say a few words on the background of the bill—which probably more correctly should have been said on second reading—so that we can understand the difference in the change between the original bill and this particular bill.

When the Schools Administration Act was amended in 1968, and the county school boards were formed, there was a provision whereby treasurers of municipalities could deal jointly with hardships created by the educational levies of area municipalities that were affected under the formation of the county school boards. Shortly after that time, with the coming into effect of the Ottawa-Carleton regional government, there was great hardship effected on Torbolton township. They took their case before the treasurers of the area and eventually appealed it to the OMB as a matter of principle, stating they could not endure the hardship created with the imposition of the increased educational levies. Well, Torbolton township no longer exists, and is now part of West Carleton.

The appeal to the OMB, as I understand the problem, is what created the necessity for this particular bill. As we all know, Mr. Chairman, in other statutes of the Province of Ontario, where a municipality receives grants in lieu of taxes, either from the Crown in the right of Canada, or from the Crown in the right of the Province of Ontario, that municipality must count that grant in lieu of taxes as additional assessment when that municipality figures out its levy to the county government or to a regional government.

The levies to those municipalities are, indeed, affected by grants received in lieu of taxes—under the Parks Act, the grants of \$50 for each student at university, hospital training schools, correctional institutes and all agencies of the Crown that made grants in lieu of taxes. The municipality must figure that money as additional assessment when it figures its levy to the next level of government.

However, the Municipal Board took a most unusual approach to that appeal from the arbitrators, composed of the treasurers. It said that the Ottawa-Carleton county school board must take those levies—which they didn't receive, but which the municipality received—the school board must take those levies into account when they pay their assessment or their levy to the county school boards. So we found all the area governments making their new levy to the county school board affected by the amount of grants

they received in lieu of taxes. Now, some of the municipalities—in particular, Gloucester township—had a considerable amount of money coming into the municipality in grants in lieu of taxes from the federal government. There were many installations in the township paid for by the federal government.

The OMB resolved the inequities of the education tax in the various governments by saying that with those municipalities that received additional funds, the educational levy from that area of government must also take into consideration the grants in lieu of taxes received by the municipality. That, of course, would make the levy from that municipality considerably higher.

On the surface this may have appeared to be a just way of handling it, because one would say that if the municipality got extra money, the school tax would be less. But there is one fallacy in the decision of the OMB. While the municipality got additional money, that money was spread out through the whole area to reduce taxes, not only for the public school supporters but also the separate school supporters. I understand that about 45 percent of the people in Gloucester township are separate school supporters.

The result was that the burden of education tax then forced on Gloucester township county school board was tremendous; so much so that after three years of this type of decision by the OMB—the mistake was repeated each year—the province had to step in and issue a grant of some \$800,000 up to 1973. I think that bill went through in 1973 per 1970, 1971, 1972 and 1973. That took care of the problem.

As far as I know, this is about the only time the OMB has ever made a decision like that.

The unfortunate thing about it was that there appeared in the Schools Administration Act—or the Education Act, 1974, which replaced the Schools Administration Act—a clause stating that the OMB's decision was final. It could not be appealed to cabinet so it could not be reversed. Naturally in its own interests, the OMB repeated its decision every year because it didn't want to reverse the decision it had made each year; so this thing was appealed.

I am pleased to see the minister stepping in with amendments to the Education Act which are specifically designed to correct what I think was a poor decision by the OMB. There had to be some relief, undoubtedly, from the taxation but certainly I don't think this was the correct way of going

about it. While the extra grants in lieu went to the municipality, certain of the county school boards did not get them directly and all citizens, including the separate school supporters, were benefiting from these grants but only the Carleton school board had to include those grants in its tax levy to the county school boards. It created great inequities on Gloucester township. When one-third of the assessment and 45 per cent of the population were a part of the separate school system and separate school supporters, it did indeed create a number of inequities.

I am intrigued by the reprinting of the bill, Mr. Chairman, in that a different approach has been taken as to how to correct the situation.

In the first bill the words, "whose decision is final" meant the OMB's decision was final. Those words were struck out, meaning that the board could appeal the OMB decision to cabinet. Under the first bill the OMB had only two alternatives. It could accept the decision of the arbitrators and confirm the apportionment made by the board, or it could send it back and go through the whole process and apply the Act as it was written—the mechanism as it was written in the Act—to the procedure to see if any mistakes were made originally.

Under the new bill we find that the OMB's decision is final. I can't quite decide in my mind whether or not that is better than the first way of doing it.

The other point, of course, is that it specifically says, "Any grants in lieu of taxes paid to the municipality must not be used when calculating the apportionment paid by that municipality for school purposes to the area government." That is a more direct approach and I agree with that. It certainly means that this matter cannot be perpetuated.

This comes into effect in 1975. It will affect the assessment for this year. The grant of \$800,000 cleans up the business from 1970 to 1973. I don't know what the minister has in mind to do about 1974; whether or not that can be dealt with in some satisfactory manner.

Perhaps the minister would explain why he feels that a matter of this magnitude should not be appealable from an OMB decision to cabinet. My goodness, only a year ago we had in our municipality people appealing an OMB decision to cabinet and it represented only about \$25,000 on a curb and gutter installation. I think that is wrong. I don't think cabinet should have to bother itself with things of that magnitude in appeals

from the OMB, but that type of thing is allowed to be appealed from the municipality.

I see that the minister now under the rewritten bill is perpetuating the original intention that an OMB decision relating to school apportionments of municipalities may not be appealed to cabinet. I would appreciate his comments on that. We would support the bill, Mr. Chairman. That section 2 is the major part of the whole bill and his answer to that one question would satisfy my comments on the whole bill.

**Mr. Chairman:** The member for Ottawa Centre.

**Mr. Cassidy:** I'll be very quick, or I'll try to be, Mr. Chairman. May I say that you dignify the chair in a way that few others could manage to do. The member for Cochrane South (Mr. Ferrier) is in the chair.

I wanted to make two or three comments to the minister. First it's wonderful how by-elections concentrate the mind of the government. I suspect it may only be because of the Carleton East by-election that an equitable settlement was reached in the problems of Gloucester township with the allocation of its grant in lieu of assessment.

Second, the whole problem in this case arose because of the desperate frustration of the people of Torbolton township in the regional municipality of Ottawa-Carleton over their tax treatment under regional government and over the avowal of the Liberal reeve of Nepean, Andrew Haydon, who then decided to jump on the bandwagon and to stir the pot for all it was worth and to try to see whether he could rip off the taxpayers of Gloucester for \$500,000 or more.

I must say that there has been seldom such an example of cheap municipal meddling as Mr. Haydon was guilty of in that particular case. It is certainly clear that what had been achieved by the OMB decision was hopelessly unfair, particularly to the separate school ratepayers in Gloucester who were most affected and also the separate school ratepayers in Ottawa and Vanier, where a similar ruling was brought in by the Ontario Municipal Board.

Next—and again this sort of goes beyond the purview of this particular minister—the role of the OMB in this matter is rather suspect because, far from interpreting or adhering to ministry policy as one had thought it was intended to do, the OMB chose deliberately to ignore the ministry regulations under which the Carleton board of education was acting when it apportioned its education taxes to the Gloucester school



board and when it decided to ignore the grant in lieu of assessment. The regulations said you ignore the grant in lieu of assessment so that, as the member for Waterloo North was saying, both separate and public school taxpayers can benefit from it. But the OMB ignored that ministry directive in reaching its rather perverse decision.

The amended bill, in my opinion, is much better than the original proposal. The original proposal would have left it with the cabinet to try to set the OMB straight, and God knows whether anybody could set the OMB straight. It made a lot more sense to lay out the rules precisely. I presume, that the wording here is pretty much drawn from ministry regulations. It's then appealable to the courts if the OMB consistently decides to continue in flouting the ministry policy which will now be expressed in regulations.

We've thought about ways in which you can handle the matter of grant in lieu of assessment. The situation in Gloucester is almost unique in the province. The alternative to doing this way is to take your grant in lieu of assessment in every part of the province and divide it up between separate and public school ratepayers in some formula or another, whatever that may happen to be.

They point out that that would then entail a loss of provincial grants. They also point out that in certain areas, such as in the county of Renfrew, there would be very serious problems of very poor boards which would suddenly find their ratepayers saddled with burdens that the federal government would not pay directly.

Finally, Mr. Chairman—and I don't know if anybody in the chamber, apart from the minister, the member for Waterloo North, the chairman and maybe myself, understands the content of this debate because it's an exceptionally difficult area to grasp—I would like a statement by the minister, as was asked by the member for Waterloo North on if it is correct that there has been no damage to the taxpayers of Gloucester or any other municipality because of the OMB decisions. In other words, have the payments which have been made effectively repaired the damage of the OMB decisions and is the situation that with this bill and actions taken by the ministry everyone in the province will have been treated as though this Act had been in effect?

**Mr. Chairman:** The member for Carleton East.

**Mr. P. Taylor (Carleton East):** Thank you, Mr. Chairman. We, too, are very happy to see you performing such a fine function in the chair.

**Mr. Cassidy:** We do doubt if you understand it.

**Mr. P. Taylor:** I want to be very brief because we all know the clock is running out and I just want to recognize publicly the contribution my colleague, the member for Wellington North, has made to this—

**Mr. Good:** Waterloo North.

**Mr. P. Taylor:** —Waterloo North? I'm sorry—subject which, as the member for Ottawa Centre has described, is very important to this part of the province. It's a good bill and of course we are supporting it because it unravels a very complicated situation.

The thing that disturbs me most is that apparently in this reprinted version of the bill the OMB decision is non-appealable. For people in remote parts of the province who see the OMB perhaps a little differently from people in this part of the province that is very damaging and very unproductive. I want to say that any time decisions of Crown agencies are non-appealable, it really seems to me to violate the whole concept of the royal prerogative.

This bill also clears up a fight among some local politicians in our area around Ottawa which has also been extremely counter-productive. I would say that the—

**Mr. J. E. Stokes (Thunder Bay):** Local Liberal politicians?

**Mr. P. Taylor:** —the reeve of Nepean has conducted himself in a manner which is in sharp contrast to the conduct of the reeve of Gloucester township who has chosen instead to fight the argument behind the scenes on paper. We are supporting this bill.

**Mr. Stokes:** I have one brief little question.

**Mr. Chairman:** The member for Thunder Bay.

**Mr. Stokes:** I have one brief question and that has to do with the grant in lieu of taxes. Could the minister enlighten me as to how this will apply to northern independent boards such as Savant Lake and Armstrong? They have no municipal organization but they have a small local school board and there is some kind of a long-standing

arrangement whereby the Canadian National Railways, in lieu of taxes, pays a grant to those local boards.

I wonder if this will have the effect of enhancing the ability of those small local boards to gain funds through the grants or will this inhibit their ability to generate much-needed funds for school purposes in that area? I know that for some of the small local boards the government has to pick up as much as 93 per cent of all of the tax dollars required for school purposes.

If there is an opportunity to get additional dollars out of what amounts to a Crown corporation, like the Canadian National Railways—I don't presume to be very familiar with the method of collecting taxes; all I know is that it is a grant in lieu of taxes—I'm wondering if the minister or any of his officials could enlighten me as to how that might change that or how it might enhance the ability of the small northern boards to get more money from these Crown corporations for school purposes?

**Mr. Chairman:** Is there any response from the minister to that comment?

**Hon. Mr. Wells:** Mr. Chairman, first, in answer to the question from the hon. member, I don't think this bill either enhances or detracts from those municipalities getting grants. This bill really deals with grants in lieu from Canada and Ontario, except in certain exceptions here, and how they will be handled and apportioned. I don't think it says someone will not get grants in lieu insofar as the boards are concerned. I would be happy to look into that problem a little more.

I really can't say anything more on that particular problem insofar as it affects the northern communities; but that would be my impression based on this bill.

**Mr. Stokes:** But you will look into it.

**Hon. Mr. Wells:** I will look into that, yes. Insofar as the other questions that have been asked, Mr. Chairman, I think the hon. members who have spoken have indicated they understand this very complicated bill. Perhaps we should ask a few others to explain it to us. I must say that I found this one of the most complicated things to completely grasp. I would far rather do three teacher-board negotiation bills than one of these financial apportionment grants in lieu bills.

**Mr. J. F. Foulds (Port Arthur):** Only in terms of complexity, not in terms of stamina.

**Hon. Mr. Wells:** No, in terms of complexity.

However, as has been stated, I think that the amended bill which we are considering does the job in a better way than the original bill did. That is why we brought in the amended bill. We felt, on reflection, that it could do the job better.

The answer to the question about the situation insofar as Gloucester and March is concerned is that to the best of my knowledge the grants that we have paid to the Carleton board will be to the benefit of Gloucester and March. It has corrected the situation and they should enjoy equity.

The year 1974 has not been taken care of, and it would be my understanding that we will be paying grants to the board at this particular time in order to correct the equities for 1974, and then the bill will take effect thereafter.

**Mr. Cassidy:** That's a commitment, is it?

**Hon. Mr. Wells:** That's a commitment.

**Mr. Good:** That satisfies the appeal for 1974.

**Hon. Mr. Wells:** They have already gone to the OMB. As I understand it, the OMB has already decided as it had decided in 1971, 1972 and 1973. So we will have to correct the 1974 situation, and then from there on in this bill will take effect. That should permanently correct the situation.

It was our decision as we brought in this amendment, Mr. Chairman, that because we were amending the bill in such a manner to correct the situation, through saying specifically what should happen, we should still leave in the section allowing no appeals to the cabinet. The cabinet is not particularly anxious to have appeals in these particular matters. I think that having got over this problem, we should leave it with no appeals to the cabinet. If it is felt there should be appeals from the OMB to somewhere else, I think that is a far larger problem that should be taken care of in some other manner.

Bill 118, as amended, reported.

It being 6 o'clock p.m., the House took recess.

## CONTENTS

**Tuesday, July 15, 1975**

Community-sponsored housing, statement by Mr. Irvine .....	4015
Community-sponsored housing, questions of Mr. Irvine: Mr. R. F. Nixon, Mr. Shulman .....	4016
Provincial health conference, question of Mr. Miller: Mr. R. F. Nixon .....	4018
Labour disputes, questions of Mr. MacBeth: Mr. R. F. Nixon, Mr. Bullbrook, Mr. Samis, Mr. Shulman .....	4019
Removal of sales tax from automobiles, questions of Mr. McKeough: Mr. Deans, Mr. Shulman .....	4021
Unemployment, question of Mr. McKeough: Mr. Deans .....	4021
Aid to students, questions of Mr. Auld: Mr. Deans, Mr. Cassidy .....	4021
OMB hearing, question of Mr. Clement: Mr. Deans .....	4022
Government payroll, question of Mr. Winkler: Mr. Reid .....	4023
Sales tax rebates on automobiles, question of Mr. McKeough: Mr. Cassidy .....	4024
Niagara regional government, question of Mr. McKeough: Mr. Haggerty .....	4024
Jail sentence for parking offence, question of Mr. Clement: Mr. Gerna .....	4024
Special-occasion permits, questions of Mr. Clement: Mr. Singer, Mr. Shulman .....	4025
Psychiatric hospital staff reclassification, question of Mr. Miller: Mr. Foulds .....	4025
HOME programme, question of Mr. Irvine: Mrs. Campbell .....	4026
Gogama water supply, question of Mr. Davis: Mr. Laughren .....	4026
Condition of former WCB building, question of Mr. Snow: Mr. Good .....	4026
Gasoline prices on Highway 401, question of Mr. Davis: Mr. Burr .....	4027
Funding of LaMarsh Commission, question of Mr. Davis: Mr. Singer .....	4027
Legislative Assembly Retirement Allowances Act, Mr. Snow, first reading .....	4027
Ontario Heritage Amendment Act, Mr. Welch, second reading .....	4028
Third reading .....	4029
Estimates, Ministry of Treasury, Economics and Intergovernmental Affairs, Mr. McKeough, continued .....	4030
Report, standing social development committee, Mr. R. G. Hodgson .....	4054
Provincial Schools Negotiations Act, Mr. Wells, second reading .....	4055
Teachers' Superannuation Amendment Act, Mr. Wells, second reading .....	4057
Third reading .....	4059
Education Amendment Act, Mr. Wells, second reading .....	4059
Education Amendment Act, reported .....	4059
Recess .....	4063





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Tuesday, July 15, 1975

Evening Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JULY 15, 1975

The House resumed at 8 o'clock, p.m.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Don't we have a quorum?

**Mr. I. Deans** (Wentworth): I don't think so.

**Mr. Chairman:** Take a second count.

**Clerk of the House:** No, there is not a quorum present, Mr. Chairman.

**Mr. Chairman** ordered that the bells be rung for four minutes.

**Clerk of the House:** Mr. Chairman, I see a quorum.

## PROVINCIAL SCHOOLS NEGOTIATIONS ACT

House in committee on Bill 132, An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers.

**Hon. T. L. Wells** (Minister of Education): Mr. Chairman, I have an amendment to section 6.

**Mr. Chairman:** Anything before section 6?

**Mr. J. F. Foulds** (Port Arthur): Would you just hold on a second, Mr. Chairman? Section 5.

Sections 1 to 4, inclusive, agreed to.

**Mr. Chairman:** The member for Port Arthur.

**Mr. Deans:** I'm glad you decided to come in.

On section 5:

**Mr. Foulds:** I'd like an explanation from the minister on how the negotiating unit for the teachers will be structured, and whether or not there will be, as there is for other teachers, a compulsory membership. Have those questions been dealt with, because it has caused some difficulties in the past?

**An hon. member:** It certainly has.

**Hon. Mr. Wells:** The answer, Mr. Chairman, is no, there is no provision here for compulsory membership; and at this point in time we are leaving it up to the organizations to organize themselves into a bargaining group that can bargain with the Provincial Schools Authority.

**Mr. Foulds:** What I want to determine is whether the unit will have any legal or semi-legal status outside of its function as a negotiation unit with the authority established in the bill.

**Hon. Mr. Wells:** I think at this point in time, Mr. Chairman, that will be up to the organization. I think we are allowing them a fair degree of flexibility. They will all be bargaining together as one unit, and I think what we really need is a chance for them to get established and operating this way and then see, as I said this afternoon in regard to membership in OTF—whether that would be a good thing or not—where and how they should operate under this section. There just wasn't time to develop any other procedures. I would prefer them to try and see what they can establish and what they might want to come up with and then make suggestions to us.

**Mr. Foulds:** As you envisage the unit at the present time, teachers from all three ministries are included. I understand there are only six in the Ministry of Health, but traditionally there have been three separate organizations. Presumably all of them will be eligible for this unit, and I understand that they have in the past had up to 95 per cent voluntary membership. There is no way that you, in this bill, are going to provide a check-off for them. Do I understand that correctly?

**Hon. Mr. Wells:** Yes, that is right, Mr. Chairman.

**Mr. Chairman:** Does section 5 carry?

**Mr. Foulds:** Just one other point: Once they get established and organized for the purposes of negotiations, to whom do they apply for certification? Do they apply to the Labour Relations Board for certification?



**Hon. Mr. Wells:** No; I think in this bill we are assuming they are going to indicate to the provincial schools authority that they are ready to negotiate. Really in this bill we are accepting the structure they already have established. The three groups have already held meetings with us, last year, and they are ready to negotiate, as I understand; that group, as you say, now represents about 95 per cent membership.

I don't propose to stand here and tell you that will be satisfactory for all time—

**Mr. Foulds:** Yes.

**Hon. Mr. Wells:** —but I think it will get us going and it will give them a chance to see how it operates. I would certainly be open to hearing from them then if they want to have some different procedure.

**Mr. Foulds:** One final question, Mr. Chairman: I assume the minister—I am sorry—the Provincial Schools Authority established in the Act will accept the negotiators who have been talking to your ministry with regard to this bill as the bona fide negotiators for the group. Is that correct?

**Hon. Mr. Wells:** That is right. I think I should make it very clear that this bill does group them all together as one group and under Bill 100 they become one bargaining unit.

**Mr. Foulds:** They become the equivalent of branch affiliates.

**Hon. Mr. Wells:** That's right.

**Mr. Foulds:** Thank you.

**Mr. Chairman:** Shall section 5 carry?

Section 5 agreed to.

On section 6:

**Mr. Chairman:** On section 6, the minister has an amendment.

**Mr. Foulds:** Did we carry sections 1, 2, 3 and 4?

**Mr. D. M. Deacon (York Centre):** He asked for comments up to that point.

**Mr. Foulds:** But we didn't pass them?

**Mr. Chairman:** Yes, we did.

**Mr. Foulds:** Did we?

**Mr. Chairman:** Absolutely.

**Hon. Mr. Wells:** moves that subsection 3 of section 6 be amended by striking out

"three" in the second line and inserting in lieu thereof "four."

**Mr. Foulds:** Before we discuss that particular subsection and that amendment, there is a question which I think I got clarified this afternoon by talking directly to one of the ministry officials. I think it would be good for us to get on the record the reason for the exclusion of sections 60 and 63 of the School Boards and Teachers Collective Negotiations Act, 1975. A quick reading indicates that—I assume these numbers apply to the bill which was reprinted for consideration by the social development committee, so we are talking about the right numbers. Is that correct?

**Hon. Mr. Wells:** Yes, Mr. Chairman, that is correct. We have checked them over and the only change which needs to be made is the one I have proposed in an amendment now.

**Mr. Foulds:** Right. Could the minister explain the reasons for the exclusion of sections 60 and 63? On the surface, I think it is section 60—I can't lay my hands on Bill 100 immediately as it was reprinted—I believe that section 60 is on the Education Relations Commission.

**Hon. Mr. Wells:** That's right; portions of that.

**Mr. Foulds:** As I understand it you had to exclude it from this bill so you didn't establish two Education Relations Commissions.

**Hon. Mr. Wells:** That's right.

**Mr. Foulds:** In fact, the one established in Bill 100 therefore is the one these teachers use; is that correct?

**Hon. Mr. Wells:** That is right, it is established—section 60 is the section which establishes the commission. That is done under Bill 100 and it isn't necessary for it to be done again, although the commission does have certain duties to perform under this particular statute—such as the one we are talking about. Section 63 provides the moneys for the operation of the Education Relations Commission; those moneys will be provided under Bill 100 and they are not necessary under this bill.

**Mr. Foulds:** Fine, Mr. Chairman, that satisfies the question I had on that subsection.

Motion agreed to.

Section 6, as amended, agreed to.

**Mr. Chairman:** Shall section 7 carry?

On section 7:

**Mr. Foulds:** Mr. Chairman, I am not sure I can spot it in the Act, but I have one other question that relates to the size of the negotiating unit for the provincial school teachers. The total membership would be somewhere around 600; and given that number of members, the penalties provided in Bill 100 for a violation seem to me to be extreme. For example, if there was a fine of—is it \$10,000?

**Hon. Mr. Wells:** Up to \$10,000.

**Mr. Foulds:** Yes, I know, but presumably a judge would take into account the seriousness of the offence. For example, in correctional schools or where there are the special circumstances in provincial schools, he might deem an illegal walkout to be an extremely serious offence; yet if he brought in a fine of that amount, he would destroy the entire unit because their finances are extremely thin and because at this stage they cannot be affiliated to any of the affiliates or to OTF.

It is to be hoped, of course, that we wouldn't get into an untidy situation like that, but we might; and I wonder what provisions the minister or his officials made in that regard. I think we do have special circumstances here with a new and small negotiating unit, a unit without a compulsory membership or a checkoff, and their financial resources would be extremely limited.

I know the clause says up to that amount, but unfortunately the minister cannot make a commitment about what a court or judge would decide in these circumstances.

**Hon. Mr. Wells:** Mr. Chairman, the section we put in Bill 100 is fairly consistent with a number of pieces of legislation that have been drafted recently, I believe. I think that while it sets a high amount as a maximum, it allows the judge full, free discretion. I am told by my legal friends who helped us draft these bills that this is the proper way to do it. I think that if an offence was committed and it was being considered by a judge, he would certainly take all these things into account. I really don't see any need to change that section.

**Mr. Foulds:** Well, Mr. Chairman—

**Mr. Chairman:** I don't think we should get into any discussion of Bill 100 at this time.

**Mr. Foulds:** The point is, though, Mr. Chairman, that so much of this bill—

**Mr. Chairman:** The Chairman has been very generous—

**Mr. Foulds:** No, Mr. Chairman, if I might—

**Mr. Chairman:** I want to be generous. We have already carried section 6.

**Mr. Foulds:** I understand that. I am not speaking on section 6.

**Mr. Chairman:** Well, you are asking a question on section 6.

**Mr. Foulds:** I am speaking, if I might, Mr. Chairman—

**Mr. Chairman:** You are certainly not speaking on section 7.

**Mr. Foulds:** Yes.

**Mr. Chairman:** No, you are not.

**Mr. Foulds:** Yes, I am speaking on section 7 because it seems to me you can speak about the effect of the bill on the section that deals with the date on which that bill comes into effect. If the bill does not include a clause, a safety valve, there must—well, I will wait until section 8 to speak on it if you want.

**Mr. Chairman:** No, go ahead. We want a full discussion on this. If you have anything to offer that will benefit the people of this province, why go ahead.

**Mr. Foulds:** Thank you very much; now you are indeed being generous.

**Mr. M. Cassidy (Ottawa Centre):** He has a great deal that will benefit the people of this province.

**Mr. Foulds:** I just hope, like the minister, that the judge will exercise discretion in such circumstances; and that when exercising his authority he will take into account the very brief debate and the points that have been made at this particular point with regard to penalties. In the first case, I would sincerely hope that a judge would not only read the legislation, but read the debate that surrounded the legislation when it was instituted. Thank you, Mr. Chairman.

Sections 7 and 8 agreed to.

Bill 132, as amended, reported.



# COLLECTIVE BARGAINING FOR COLLEGES OF APPLIED ARTS AND TECHNOLOGY ACT

House in committee on Bill 108, An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

**Mr. Chairman:** There is an amendment to section 4. Does any member wish to speak about anything in Bill 108 prior to section 4?

Sections 1 to 3, inclusive agreed to.

**Mr. B. Newman** moves that section 4 be deleted and the following substituted therefor: "Negotiations shall be carried out in respect of all terms and conditions of employment put forward by either party.

**Mr. Chairman:** The hon. minister.

**Hon. J. A. C. Auld** (Minister of Colleges and Universities): **Mr. Chairman,** in the absence of **Mr. Newman**—

**Mr. Deacon:** We're here.

**Hon. Mr. Auld:** What is presently in section 4, of course, includes the words "except for superannuation." As far as the government is concerned, we're not prepared to include superannuation in this section at this time.

**Mr. Deacon:** Would the minister say where the difference is in thinking between this and Bill 100, with regard to the fact that it's wide open in the other bill?

**Hon. Mr. Auld:** **Mr. Chairman,** of course as far as the colleges are concerned, we are dealing with two different groups. One is covered under OMERS and one under the Public Service Act. At this time it is our view there should not be negotiation, under the legislation, on superannuation, although inevitably it will become, I am sure, part of the discussions. But it will become very complex if we start negotiating superannuation, which is covered, in other legislation, jointly with the other working conditions.

**Mr. Deacon:** Is the minister stating that because the teachers have a different situation than, say, those employed under the—I'm not sure exactly what the minister is referring to, because everything is negotiable. Surely contributions, including contributions made to pensions, are negotiable. I just can't see the difference here, if it's not one of the exceptions in the other bill. That is certainly a bill where superannuation and the rules all apply now. I don't understand. You're not

explaining to us the rationale for changing the situation here.

**Hon. Mr. Auld:** **Mr. Chairman,** as those who are covered under the Superannuation Act are covered under that Act, and obviously provisions of that Act are not bargainable under this bill, the same really applies to those who are involved in OMERS, because OMERS is bargainable under the Ontario—that other Act.

**Mr. Deacon:** Why do you still have to leave this in here if you don't have to leave it in in the other bill?

**Hon. Mr. Auld:** Because the teachers are all covered under the Teachers' Superannuation Act. In the other bill, the teachers' superannuation is bargainable or discussed, or whatever, under the Teachers' Superannuation Act. The other bill provides that any matters covered under legislation other than Bill 100 are dealt with under the other bills.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. F. Laughren** (Nickel Belt): **Mr. Chairman,** I share the perplexity of my colleague, because I don't understand what it is, whether it's a management right fixation the government has when it comes to negotiating terms and conditions of employment that it automatically rules superannuation out. I say automatically because I don't really go along with your explanation as to why you're excluding superannuation.

I am at a loss to understand why you are so inflexible on this matter. Surely if there's a working condition that is important to the people, nothing is more important than superannuation, particularly in the times we're going through now where people can see their retirement income being eroded so dramatically. I do wish you would reconsider and accept the amendment of the member for Windsor-Walkerville.

Perhaps you can make another attempt to explain to us why you are so adamant on this.

**Hon. Mr. Auld:** **Mr. Chairman,** if I may put it a different way, we are dealing with two—maybe three—different groups in the colleges. There may be some covered under the Teachers' Superannuation Act. There are some presently covered under the Public Service Superannuation Act and there are some covered under OMERS. Those negotiations go on constantly. In fact the Chairman



of Management Board of Cabinet had an amendment the other day which dealt with one of those groups on behalf of the whole group, not just those members who pay into that fund who happen to be in the employ of the colleges. The advice I have from our legal people is that we should leave in "except for superannuation" so that they will carry on their discussions with the government, or negotiations or whatever we choose to call them, as part of the broader group rather than fragmenting them and causing confusion just in the college group.

**Mr. Laughren:** Yes, I understand what you are saying.

**Hon. Mr. Auld:** I would like to ask the hon. member which group he's in.

**Mr. Laughren:** As a matter of fact, I was going to raise that very point. I still pay into the superannuation fund. When I was at the college I elected to pay into the teachers' superannuation fund rather than the community college fund.

**Hon. Mr. Auld:** Rather than the public service fund.

**Mr. Laughren:** Rather than the public service fund, right.

I don't see why you are basing your legislation on this; because some people are excluded from it, they already have a group negotiating for their pensions through the teachers' fund during the teacher negotiations.

**Hon. Mr. Auld:** Perhaps the teachers' federation people would not see eye to eye with the CSAO and might be negotiating for different things on behalf of the hon. members.

**Mr. Laughren:** If I've got an argument that I want to be made in order to protect my retirement earnings—

**Hon. Mr. Auld:** You'll make it.

**Mr. Laughren:** —then I'll make it to the Teachers' Superannuation Commission and to the teachers who are negotiating on my behalf there. If I had not chosen to keep in that fund but to go into the public service fund, then I would want to be able to negotiate my pension through that route. What you're saying to me is that because I elected to stay in the teachers' superannuation fund I'm protected through the collective bargaining process by the teachers' negotiations, but that if I had chosen the other route I have no protection and I'm merely at the whim of a rather arbitrary government.

**Hon. Mr. Auld:** Not at all, Mr. Chairman. What I am saying is that, whichever route the hon. member chooses, the people who act on his behalf along that route will bargain on his behalf.

**Mr. Laughren:** Who is negotiating for me with the public service fund, saying I was involved there?

**Hon. Mr. Auld:** I guess that's the CSAO too; but a different group.

**Mr. Laughren:** But not the community college teachers.

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Chairman, if I can bring to the attention of the minister the companion clause in the education Bill 100; it does not include the last three words, which you have in here, "except for superannuation." It reads: "Negotiations shall be carried out in respect of any term or condition of employment put forward by either party." It stops right there. Now with the Bill 108 you seem to have added an exception. Why not be the same in both bills? After all, they are sort of companion bills.

**Mr. Laughren:** Admit it, it is the fine hand of the hon. Eric Winkler.

**Hon. Mr. Auld:** Mr. Chairman, the hon. member for Windsor-Walkerville was perhaps a minute or two late before he came in. My understanding from our advisers is that we have three groups in the colleges. We have employees in the colleges who are members of at least two, or perhaps three, different superannuation funds. The teachers are all in one, so it is not necessary—

**Mr. B. Newman:** That's the teachers' bill here.

**Hon. Mr. Auld:** —to deal with it other than to cover superannuation in Bill 100, because they negotiate superannuation as one group. We are dealing with two or three groups who deal with the government. They pay into OMERS, which is negotiated on behalf of a lot of people.

**Mr. B. Newman:** Right; the teachers' bill negotiates solely for teachers, whereas this bill also negotiates for employees other than teachers.

**Mr. Laughren:** That's a cop-out.

**Mr. Deacon:** Mr. Chairman, should there not be something in this clause that actually

names the groups which will be responsible for negotiation of superannuation for those groups? Unless we have these people covered, they are without any opportunity for putting forward the changes they wish to make. They have nothing spelled out as to how they can negotiate for this. I think it should be spelled out in this clause which of those respective three groups will be negotiating superannuation on their behalf, so they'll know.

**Hon. Mr. Auld:** If I could have a little assistance from the side, I refer the hon. member to a section in this bill which provides that other legislation covering this kind of thing takes precedence over this.

**Mr. Deacon:** So there is another clause. Could you tell us which clause covers this? We would like to know definitely that the teachers in these colleges can look to this bill to see where they get protection.

**Hon. Mr. Auld:** Mr. Chairman, I think I can assure the hon. members that the normal processes will continue under those other Acts. But the point is to make sure that we do not require that all of those other groups have to negotiate under this Act, rather than their own Act.

**Mr. Deacon:** I see.

**Hon. Mr. Auld:** But I would like to get the specific section.

**Mr. Deacon:** It is too bad we are not in standing committee so you can get direct help?

**Hon. Mr. Auld:** Make this a sitting committee.

**Mr. Laughren:** Did you write it in Latin?

**Hon. Mr. Auld:** Naturally, and I can read it.

**Mr. Cassidy:** Omnia Ontario Victa est.

**Hon. Mr. Auld:** Yes, nulli illegitimas carborundum.

**An hon. member:** Give him a shot in the other arm.

**Mr. Cassidy:** That's what's going to happen in the election.

I just wanted to say, Mr. Chairman, that as far as I'm concerned the reason the government is excluding superannuation here relates once again to the sensitivity of the Chairman of Management Board in particular, in so far as this Act might apply to other civil servants.

**An hon. member:** Eric Winkler.

**Mr. Cassidy:** So Eric Winkler's fine hand can be discerned again, and that is certainly the reasonable reason for distinctions—

**Mr. Laughren:** Having writ, moves on.

**Mr. Cassidy:** That's right. Mene, Mene, Tekel, Upharsin. That's what I say to the Conservative as well. That's the Bible.

**Hon. Mr. Auld:** If the hon. members would bear with me for a moment.

**Mr. Deacon:** Okay. We certainly would.

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Carried.

**Mr. Chairman:** What do you mean, Mr. Minister, that the amendment is carried?

**Hon. Mr. Grossman:** No, the bill.

**Mr. Laughren:** Sit down.

**Hon. Mr. Grossman:** Look who's talking. I hope you never die, Floyd. I'll never be the shortest guy in the world.

**Mr. Chairman:** As the chairman, I would suggest that we don't carry section 4 at this time, or the amendment. We'll move on to other sections of the bill.

**Mr. Cassidy:** On a point of order, Mr. Chairman, could Hansard record the lengthy silence, which is one of the longest I have heard.

**Mr. Chairman:** Would the member like to take his seat for a moment? We can move on to other sections—

**Mr. J. R. Breithaupt** (Kitchener): It's almost a pregnant pause.

**Mr. Chairman:** —of the bill and then we can come back to section 4 and the amendment. Does any member wish to speak on section 5?

**Mr. Laughren:** Yes, Mr. Chairman.

**Mr. Chairman:** The hon. member for Nickel Belt.

On section 5:

**Mr. Laughren:** I am bothered, in section 5(1), by the fact that the month of January is specified. The present clause reads: "Either party may give written notice to the other party within the month of January". I think that that is an undue restriction on the bargaining process, just as I disagree with a later clause which terminates all agreements



on Aug. 31. I disagree with the written notice being required during the month of January.

At any rate, Mr. Chairman, that surely is the reason. It's simply a policy decision by the government. We disagree with it. We think community college teachers should be able to negotiate their superannuation along with all of the other terms and conditions of employment, and we reject the kind of tortuous reasoning the minister has tried to put forward.

**Mr. Chairman:** All those in favour of—

**Mr. Deacon:** Excuse me, is the minister saying that he will spell it out elsewhere in the bill? Can you tell us where the superannuation problems will be dealt with in the collective bargaining process? Is it stated elsewhere in the bill where each of these three groups do that—and if so, where? We want to know, before we vote on this amendment, that it is taken care of elsewhere.

**Mr. Laughren:** Nowhere.

**Mr. Cassidy:** It's not there. It's just in the minister's mind.

**Hon. Mr. Auld:** Don't get me off this, I'm trying to find it.

**Mr. Deacon:** Mr. Chairman, if the minister in his reply can assure us that this is taken care of elsewhere then he need not take up the time to look for it.

**Mr. Laughren** moves that section 5, subsection 1, be amended by deleting the words, "within the month of January in the year" and substituting therefor the words, "six to eight months prior to the month in which".

**Mr. Laughren:** I do believe, Mr. Chairman, that should be left flexible in determining how the contract carries on.

Further to that, it seems to me—and I can't separate subsection 1 from subsection 2 because one is dependent upon the other—that having all contracts expire on Aug. 31 places a very severe load on any assistant you wish to bring into the collective bargaining, and that is why I move that amendment.

**Mr. Chairman:** Has the minister any comment?

**Hon. Mr. Auld:** Mr. Chairman, one of the purposes of the Act, as in Bill 100, is to provide for orderly negotiations. Assuming that the school year and the contract year is Sept. 1 to Aug. 31, it would seem reasonable, then, on the assumption that both

parties are anxious to reach agreement on every occasion, that either side may give notice, if it proposes to reopen an agreement, at a time which will permit all the other processes specified in the Act to be carried out prior to the time of the new school year. That is the purpose of this section, as it is in Bill 100.

**Mr. Laughren:** Yes, I understand that, but what you are doing is precluding a collective agreement of, say, 18 months, that would end on, for example, Dec. 31. Why are you precluding that? Surely that's something that is negotiable between those parties?

**Hon. Mr. Auld:** I suppose the basis of Bill 108 is Bill 100, and this is the traditional contract year, which applies in the colleges too, I understand, with the faculty if not all of the support staff; this is the traditional period for working on contract in the school year. It seems eminently reasonable to me that if I am a teacher I would want to work for the teaching year, and if I were a student I would certainly want to be taught for the teaching year.

**Mr. Laughren:** Mr. Chairman, I am very fond of sheep myself, but that doesn't mean that this is the place where we emulate them. It seems to me that with the community colleges in particular, which are on a semester system, there is nothing sacred in the Aug. 31 date and that Dec. 31 is just as valid a date as is Aug. 31. I believe there are secondary school agreements that have ended on Dec. 31.

**Mr. Deacon:** But that will stop now.

**Mr. Laughren:** That will stop now under the new bill, yes. But I don't see why the minister is locking the college system into Aug. 31, when surely there is nothing wrong with an 18-month contract. Why is the minister so adamant?

**Mr. Chairman:** The hon. member for York Centre.

**Mr. Deacon:** Mr. Chairman, from our point of view I certainly would go along with the idea of having a single date in the year when all these agreements terminate, so that there isn't continual negotiation going on all through the year with one college down and another one up. We in this party believe that the coterminous type of negotiating is a good principle, but it may be that there is some point behind the member's argument with regard to the actual date of Aug. 31, particularly if the minister is thinking in



terms of using the same commission as with the schools — the same people, the same members.

Maybe it would be a good idea to have it so that the actual date is three months earlier. As the member mentions, Aug. 31 isn't a sacred date; a lot of the colleges work on a semester system. Perhaps the minister should give consideration to a different date from Aug. 31, although we would support him in his view that all college negotiations should have a common date throughout the province for the contract so that there is an element of—

**Mr. Laughren:** Province-wide bargaining.

**Mr. Deacon:** —province-wide bargaining at the same time.

**Mr. Laughren:** But there is province-wide bargaining now. Why not allow it to be 18 months rather than 12?

**Hon. Mr. Auld:** Mr. Chairman, the thought is to have the same people or, at least, mainly the same people who would be on the commission; perhaps one or two staff who would deal just with the colleges. On the other hand, the commission under Bill 100 will deal with some 200 boards and 200 sets of negotiations.

As far as the colleges are concerned, there will be only two sets of negotiations, the support staff and the faculty. It would not seem to me that there would be any extra severe load on the commission in dealing with the same expiry dates as in Bill 100. From the point of view of the education system, it would seem to me that to change it to, say, Aug. 1 would create some confusion particularly when some of the staff may well go from one system to the other and back again and would have different contract times.

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** Mr. Chairman, I point out to the minister that the amendment put forward by the member for Nickel Belt doesn't require the flexibility in the contract date that both he and I think is desirable—it is not required. In other words, the minister can accept this amendment without also accepting, if he chooses not to, the flexible contract date.

All the amendment says is that instead of requiring that negotiations begin in January, whether or not people are up to it—there may be a number of different reasons involved

there—they could begin in either January, February or March if there is an Aug. 31 contract expiry. That, surely, is a very reasonable kind of position.

I'd say particularly reasonable because of this: I think there is a serious problem in province-wide negotiations which are called for under the bill because of the difficulties in getting local agreements to deal with local conditions. How are the people doing manpower training at Algonquin College in Ottawa going to sort out the way in which they carry out those duties and how are they going to sort out shifts for teaching when, let's say, it's done mainly in the evening and on the weekends and not during the days?

How are people who are teaching the timber courses at Canadore and at the college in Thunder Bay going to handle a situation where, for practical purposes, perhaps there are only six months of the year when the climate and other conditions are such that they can carry on field work with their students?

**Hon. Mr. Auld:** Those would be the same six months every year.

**Mr. Cassidy:** The same six months every year, but my point is, that is something which should be handled between the board of governors or the administration of the local community college and those teachers. I would hope it doesn't even have to enter into a collective agreement but it may eventually get to that point.

It may well be as a consequence that you want to spend January and February of each year sorting out the conditions of work and local features in the agreement before you launch province-wide negotiations on pay and overall work loads which are the two things that seem to be mainly at issue on a province-wide basis.

**Hon. Mr. Auld:** Surely it should be possible to do it in December and January rather than January and February because those conditions are going to change each year. There are different conditions, perhaps, for different kinds of staff in the colleges, particularly because of the vagaries of the Manpower contracts with the federal government, but those are discernible well in advance. As far as types of training are concerned, which have to do with weather, those don't change from year to year because the weather really doesn't change that much from year to year either. It would seem to me there is a great advantage in having lots of lead time for both sides—

**Mr. Laughren:** Right. I am not disagreeing with that.

**Hon. Mr. Auld:** —so that all the steps can be carried out and, as I am sure we all agree, so that there be an agreement at the beginning of the next major school year. There are, of course, some semesters, but I think the hon. member knows far better than I that the vast majority of full-time students are from autumn to early summer.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Laughren:** Mr. Chairman, that's very true, but that wasn't my point. My point was that for most students a full year is from September to the beginning of May, and that there is still a semester system, a natural break, at the end of December in most programmes. We are not suggesting—

**Hon. Mr. Auld:** But they are coming from the secondary system.

**Mr. Laughren:** That wouldn't affect the signing of a contract with a teacher and a board of governors.

**Mr. Deacon:** That is an individual contract.

**Mr. Laughren:** Mr. Chairman, I am not suggesting that there should not be adequate lead time in which to conduct the negotiations in order to reach a collective agreement. I am not saying that at all; I am not changing that. Perhaps I shouldn't have emphasized the date of Dec. 31. All I am trying to get across is that you are truly locking the parties in to Aug. 31 when you needn't do that if you just say that either party to an agreement may give written notice to the other party six to eight months prior to the termination of the agreement. If, for example, the Management Board negotiates an agreement with the CSAO that ends on Dec. 31, then you don't require a change in the legislation and that therefore is not a restriction on the collective bargaining process. There is no guarantee that that is going to happen. It could very well be they'll continue the way they are now, the way the bill is now written, but at least you have built that flexibility into the bill if you do that.

**Mr. Chairman:** The member for York Centre.

**Mr. Deacon:** Mr. Chairman, I wasn't really thinking about the differences between this bill and the other one when I was first

concerned about the coterminous nature of the situation we want to support the minister on. But the fact is this is province-wide bargaining. There is only one set of negotiations going on right across the province and everybody involved in this situation will be in the same boat at the same time.

Insofar as staff is concerned, moving back and forth between the secondary schools and the colleges, those are private, individual contracts and they wouldn't be changed. Therefore, I can't see that it's necessary to specify the date in this bill the way we did the other one. Maybe the minister would like to specify dates the semesters would normally cease, or just before the semester would begin, but I can't see the reason for sticking to this Aug. 31 date, particularly when there already will be a tremendous load on the commission at that time. I would think that it might be advantageous to have a Dec. 31 or an April 30 date on the community college negotiations.

**Mr. Chairman:** All those in favour of Mr. Laughren's—

**Mr. Deacon:** We want to hear the minister's further comment.

**Hon. Mr. Auld:** Mr. Chairman, I just want to say I have listened with interest to the comments of my hon. friends, but as far as I am concerned, from my discussions with the Council of Regents this is the approach that we would like to take. I would have the section of the bill stand and I would not accept the amendment.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, the minister may be asking for problems. If there are problems in the secondary level and the members of the Education Relations Commission are extremely busy in the province, how do you expect to get sufficient personnel to be able to resolve any problems in the community colleges if the date happens to be the date you are suggesting here?

All contracts are going to terminate on Aug. 31. It would possibly be better to have another termination date to make greater use of the personnel on the Education Relations Commission who might also be on this commission.

**Mr. Chairman:** Does the minister wish to reply?

**Hon. Mr. Auld:** Mr. Chairman, I would just simply repeat what I said a moment

ago, that there is some transference or movement of staff from colleges to high schools and vice versa. If they are going to have different dates it's going to make it very difficult for them to move.

**Mr. Chairman:** All those in favour of Mr. Laughren's motion to amend section 5(1) say "aye."

All those opposed say "nay."

In my opinion the "nays" have it.

**Mr. Laughren:** Take out that guttural sound and we would win.

**Mr. E. M. Havrot (Timiskaming):** You will learn; you will learn.

Interjections by hon. members.

**Mr. Cassidy:** We will stack, Mr. Chairman.

**Mr. Chairman:** I have only seen four members rise so far.

**Mr. Cassidy:** There were five.

**Mr. Chairman:** Where?

**Mr. Cassidy:** There were five a minute ago if you were watching. In fact, there were six.

**Mr. R. G. Eaton (Middlesex South):** You can't tell when the hon member for Nickel Belt is standing up.

**Mr. Chairman:** I am sorry. I recognize five members were on their feet.

**Mr. Cassidy:** Thank you, Mr. Chairman.

**Mr. J. E. Stokes (Thunder Bay):** Get him to stand on his chair.

**Mr. Chairman:** You wish to stack this amendment?

**Mr. Cassidy:** Yes, please.

**Mr. Chairman:** Okay, we will carry on with section 6. Does any member wish to speak on section 6?

**Mr. Laughren:** Mr. Chairman, I wanted to speak on section 5(2).

Mr. Laughren moves that section 5(2) be amended by deleting "31st day of August" and substituting therefor "at the termination of the collective agreement."

**Mr. Laughren:** Mr. Chairman, I won't be repetitive, but the reason I say that is it ties in with the amendment to section 5(1), which would leave the termination of the agreement up to negotiations between the two parties.

**Mr. Chairman:** All those in favour of Mr. Laughren's amendment to section 5(2) please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack this one too?

**Mr. Cassidy:** Yes, please.

**Mr. Chairman:** Okay. Does anyone wish to speak on section 6 of the bill?

**Mr. Cassidy:** Yes, Mr. Chairman.

**Mr. Chairman:** The hon. member for Ottawa Centre.

On section 6:

**Mr. Cassidy:** I just have a comment. We welcome the good-faith bargaining clause. It should be used more often, and we welcome it as we welcome it in Bill 100. I am just struck, as I look more closely at the fine print of this bill, in what bad faith the college teachers have been treated, compared with the treatment that is given to the elementary and secondary school teachers in Bill 100.

We have spoken about the managerial relations clause, and we have had a long tussle over section 4 about the scope of negotiations. Going deep into the bill, I just stumbled across a clause which would prohibit any kind of membership maintenance agreement, despite the fact that all employees, and not just members of the union, will have the right to vote on any proposed strike action. Even those who have said they don't want to be a member of the union have the right to vote. The government is displaying bad faith, and it is a very bad precedent for it to do that, when it is putting this clause into the bill.

Section 6 agreed to.

On section 7:

**Hon. Mr. Auld** moves that section 7(1)(c) of the bill be deleted and the following substituted therefor: "(c) refer all matters remaining in dispute between them that may be provided for in an agreement to."

**Mr. Chairman:** Does anyone wish to speak to the minister's amendment?

**Hon. Mr. Auld:** I might say that this is similar to the amendment that was made in Bill 100.

**Mr. Laughren:** Yes, I understand that. I am wondering whether or not the minister



has had conversations with his colleague, the Chairman of Management Board—I don't know under what other section to bring this up, so I mention it now—to allow community college teachers to partake of political activity.

**Hon. Mr. Auld:** Mr. Chairman, I've had a number of conversations with my colleague, the Chairman of Management Board. I am delighted to talk about anything in this bill.

**Mr. Chairman:** Shall the minister's amendment carry?

**Mr. Cassidy:** On the point raised on the amendment and the point raised by the member for Nickel Belt, perhaps the minister can clarify whether any portion of the Crown Employees Collective Bargaining Act will subsequently apply as far as the community college teachers are concerned?

**Hon. Mr. Auld:** If the hon. member would refer to Bill 109, which refers to the present reference to the Crown Employees Collective Bargaining Act in the Ministry of Colleges and Universities Act, I think he would find his answer.

**Mr. Cassidy:** Perhaps the minister could speak less in conundrums and more in clear—

**Hon. Mr. Auld:** If he would look at Bill 109, it says that subsection 11 of section 6 of the Ministry of Colleges and Universities Act is repealed, so the answer is no.

**Mr. Cassidy:** The reason I asked the question, Mr. Chairman, was to discover whether community college teachers henceforth will enjoy the political right of, say, members of the public at large or whether they will continue to be restricted in their political rights in the manner which governs Crown employees and other civil servants of the government.

**Hon. Mr. Auld:** My understanding is that in that connection they are still in exactly the same position as before.

**Mr. Laughren:** That's wrong.

**Mr. Cassidy:** That's wrong.

**Mr. Deacon:** I thought that had been corrected.

**Mr. Cassidy:** Mr. Chairman, I don't really understand. Certainly the ministry hasn't proposed that teachers be barred from engaging in political activity nor has it proposed that university academic professors and people like that be barred from political

activity. Why is it that it becomes an offence—what's so special about a community college teacher that if he or she—

**Mr. Laughren:** What is so special about them? Most of them are very capable.

**Mr. Cassidy:** They may be special people in many ways as teachers but when they get out on the street and knock on a door or speak up on a political issue or something like that, why can they not have their freedom of speech on matters which may pertain to the platform of a political party for example? Why can they not identify publicly with the political party of their choice? Some of them might even be Conservatives, you know.

**Mr. Stokes:** I doubt that.

**Hon. Mr. Auld:** I won't pursue that although the hon. member is right, of course. All I can say is there is nothing in this bill which has to do with that aspect of the Crown Employees Collective Bargaining Act. If there are to be changes made in that Act, no doubt they will come in some different legislation.

**Mr. Chairman:** Shall the minister's amendment to section 7 (1)(c) carry?

Motion agreed to.

**Mr. Deacon:** On section 7, subsection 2, in Bill 100 we put in a provision that there is no ability to withdraw once you have made a move to refer matters of dispute to an arbitrator or a board of arbitration or a selector. There is a clause which we included in that about no right of withdrawal; once you have done that, you are in. You can't pull out because you just don't like that verdict.

I was wondering if the minister has given some thought to that, that both parties, once they are in, are in.

**Hon. Mr. Auld:** I think that is exactly what this section says, that once there is an agreement to refer matters to—

**Mr. Deacon:** This is just worded the same way as the other bill, but the other bill was amended to provide for no withdrawal.

**Hon. Mr. Auld:** Oh, wait just a moment. I think the other bill was amended, not in the early stages but later on.

**Mr. Deacon:** Mr. Chairman, it says once that agreement has been submitted or they have agreed to submit the matter in dispute

to an arbitrator, a board of arbitrators or a selector. Maybe it does cover it with regard to the action that they take.

**Hon. Mr. Auld:** Yes, it's in section 23, subsection 2.

**Mr. Deacon:** Oh, fine.

**Mr. Laughren:** Don't say no if you'd rather not.

**Mr. Chairman:** Shall subsection 2 carry?

Agreed.

Section 7, as amended, agreed to.

**Mr. Chairman:** Any other comments on any other portion of the bill? If so, which section? Shall the bill be reported?

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment to section 9, if there's nothing in section 8.

**Mr. Chairman:** Any comment on section 8?

Section 8 agreed to.

On section 9:

**Mr. Chairman:** The minister has an amendment to section 9.

**Hon. Mr. Auld** moves that section 9 of the bill be deleted and the following substituted therefor:

9. The commission shall appoint forthwith a person as a fact-finder during negotiations to make or renew an agreement if the parties have not referred all matters remaining in dispute between them to an arbitrator or board of arbitration as provided in part IV or a selector as provided in part V and,

(a) one or both of the parties gives notice to the commission that an impasse has been reached in the negotiations and requests the appointment of a fact-finder and the commission approves the request;

(b) the commission is of the opinion that an impasse has been reached in negotiations; or

(c) the agreement that was in operation in respect of the parties expires during negotiations between the parties to make or renew an agreement, and fact-finding has not taken place as provided in this part.

**Mr. Deacon:** Do we have copies of these amendments?

**Mr. Stokes:** Yes.

**Hon. Mr. Auld:** Yes, you got those last week. These are some we made after our discussions with the CSAO.

I might say, Mr. Chairman, that the changes there are the addition of "forthwith" in the first line, a grammatical correction for arbitration and the transposition of sub-clauses (a) and (b), so that (b) becomes (a), and (a) becomes (b), to place the prime instigation for requesting fact-finding in the hands of the parties rather than in the commission.

**Mr. Deacon:** Have you got an extra copy of that? I think the minister should have copies for us to see.

Motion agreed to.

Section 9, as amended, agreed to.

On section 10:

**Mr. Chairman:** The hon. member for Nickel Belt.

**Mr. Laughren:** I just have one question of the minister. Why have you not provided, after the words in subsection (b), "agree to refer all matters remaining between them" the words "that may be provided for in an agreement?" How have you selected certain clauses to throw in that extra clause to protect you and left it out of other clauses?

**Hon. Mr. Auld:** Mr. Chairman, those words were added in section 7, subsection (1)(c). My understanding is that that applies throughout. Apparently that was the decision of the committee in dealing with Bill 100. The amendment that was made in section 7 was not made in section 10.

**Mr. Laughren:** It's a sheep syndrome.

**Mr. Chairman:** Shall section 10 carry?

Section 10 agreed to.

**Mr. Chairman:** Are there any comments, questions or amendments to any other section of the bill and, if so, which one?

**Hon. Mr. Auld:** I have an amendment to section 17 if there is nothing before that.

**Mr. Chairman:** Are there any other comments prior to section 17, and if so, which one?

**Mr. Deacon:** Where is the matter of withdrawal from arbitration covered or that procedure where they cannot withdraw from arbitration? You don't have have an amendment to that from your original bill.

**Hon. Mr. Auld:** Yes, I'm sorry. It is in an amendment that I will move.



**Mr. Deacon:** Fine.

**Hon. Mr. Auld:** I think it should have been in the group which you received a little earlier.

**Mr. Deacon:** I've got it here.

**Mr. Chairman:** Is it agreed that all sections carry up to section 17?

Sections 11 to 16, inclusive, agreed to.

**Mr. Chairman:** The hon. minister shall read his amendment to section 17.

**Hon. Mr. Auld** moves that section 17 of the bill be deleted and the following substituted therefor:

17. In inquiring into and ascertaining the matters remaining in dispute between the parties, the fact-finder may inquire into and consider any matter that the fact-finder considers relevant to the making of an agreement between the parties including, without limiting the foregoing,

(a) the conditions of employment in occupations outside the teaching sector;

(b) the effect of geographic or other local factors on the terms and conditions of employment;

(c) the cost to the employers of the proposal of either party;

(d) the interest and welfare of the public.

I might just say, Mr. Chairman, that the deletion of "comparable" from paragraph (a) broadens the occupations that may be considered by the fact-finder and expands the occupations that are relevant for inquiry and consideration.

**Mr. Chairman:** Is there any discussion on the proposed amendment as read by the minister?

**Mr. Cassidy:** We would agree with it, Mr. Chairman. It broadens the scope for the fact-finder and we've maintained from the time when the leader of the NDP proposed this as a means of resolving some of these disputes or giving the public a yardstick by which to judge them that the fact-finder be allowed a fairly wide area for inquiry.

Just for the record, it would be my understanding that the fact-finder can also look into the kind of work that is being required of the individual teacher and such factors as work load and so forth, which may also affect the negotiations over the kinds of salaries or other terms and conditions that are being carried on. He really has virtually

got no limit on where he can inquire. Is that not correct?

**Hon. Mr. Auld:** I think that was the purpose of the discussion that took place about Bill 100 and the amendment which was moved there and is moved here.

**Mr. Cassidy:** Once again, Bill 100 affected a far larger group of teachers, but this bill affects a largish group of teachers who are scattered all over the province, and that problem of province-wide negotiations, in an area which is about 1,500 miles from one end to the other, is going to be extraordinarily difficult. Is it possible at times that the ministry might consider, or that one might contemplate, the employment of more than one fact-finder? Can a fact-finder be plural, and if so, how would that be contained under the Act? It could be a real problem in certain situations.

**Hon. Mr. Auld:** Mr. Chairman, it is my understanding that there is one fact-finder for a specific dispute. That fact-finder will no doubt have the assistance of the staff of the commission and other people that the commission might decide to second or to employ under contract to assist the fact-finder. The fact-finder is the one who decides what facts are to be found, I assume, and decides how to find them. But I don't suppose that he or she has to do it all himself or herself.

**Mr. Chairman:** The hon. member for Nickel Belt.

**Mr. Laughren:** Thank you, Mr. Chairman. I continue to be bothered by the continual references of the minister to Bill 100, and I do not apologize for saying this again. It is difficult for us to understand how the minister can use Bill 100 as a model and still not provide the community college teachers of this province, for whom he is responsible, free and collective political rights in the Province of Ontario. How long are you going to sit there and say it is not your responsibility, it is the responsibility of the Chairman of Management Board, when you know that the community college teachers are your responsibility? You bring in a whole bill that deals with collective bargaining for those teachers and you leave out one of the most important sections that affects their lives.

**Hon. Mr. Auld:** Mr. Chairman, of course I'm responsible for the community colleges and I didn't say I had no interest in that particular subject. What I said was, there is



no provision about political activity in this bill.

**Mr. Laughren:** There could be.

**Mr. Cassidy:** There can be; of course there can.

**Hon. Mr. Auld:** There are no provisions in this bill about political activity. There may well be in some other bill.

**Mr. Cassidy:** Why don't you put them in?

**Mr. Laughren:** Mr. Chairman, perhaps the minister could tell me then why it is that he continues to use Bill 100 as a model as though it was perfection and then leaves out that one important element that affects the community college teachers? How do you justify that?

That could easily have been part of this bill. There's no reason at all. You could have made an amendment to the Public Service Act or to the Crown Employees Collective Bargaining Act and put it into this bill here. There is no reason at all why that couldn't have been in this bill.

I'm sorry, Mr. Chairman, but if the minister is going to sit there for tonight and for Thursday and Friday and continue to make references to Bill 100 as though that was the model to which he aspires for the community college teachers without bringing in political freedom for the community college teachers, he's going to continue to meet resistance from us.

**Mr. Deacon:** Mr. Chairman, in what way are the teachers or the faculty members prevented from taking part? I thought this bill was withdrawing the teachers from under an Act that did restrict them. I'm still not quite sure as to how it applies. I thought that, indeed, as soon as we passed that other bill, which takes it out from under the Chairman of Management Board and puts it in under this negotiating system, this in fact did give them the right to participate.

**Hon. Mr. Auld:** I want to check this, but I think that the provisions of the Crown Employees Collective Bargaining Act had to do with bargaining about wages and working conditions. I think the Public Service Act is the one which has to do with political activity and community college employees are public servants within the meaning of the Public Service Act.

**Mr. Deacon:** Wouldn't this Act have to have that clause in it which says they are no longer considered employees under the Public Service Act, to cover that point which

I understand the government is in sympathy with and agrees with in principle? Isn't this the place where this should be covered?

**Hon. Mr. Auld:** Mr. Chairman, all I can repeat is what I have said twice—that there are no provisions in this Act having to do with that particular legislation, the Public Service Act, and when there are changes made they will be brought to the House.

**Mr. Laughren:** If you're waiting for the Chairman of Management Board, you'll wait quite a while.

**Mr. Deacon:** He's pretty progressive. He's going to change it.

**Mr. Chairman:** Dealing with the minister's amendment, shall the amendment to section 17 carry?

Motion agreed to.

Section 17, as amended, agreed to.

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment to section 18.

**Mr. Chairman:** The hon. minister will read his amendment.

On section 18:

**Hon. Mr. Auld** moves that section 18 of the bill be deleted and the following substituted therefor:

18. The fact-finder shall determine his own procedure under guidelines established by the commission and where the fact-finder requests information from the party the party shall, acting in good faith, provide the fact-finder with full and complete information.

**Hon. Mr. Auld:** The addition in the amendment is "under guidelines established by the commission."

**Mr. Chairman:** Shall the minister's amendment as read be agreeable to the committee?

Motion agreed to.

Section 18, as amended, agreed to.

**Mr. Chairman:** Is there any other discussion on any other section and, if so, to which section?

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment on section 21.

**Mr. Chairman:** Shall sections 19 and 20 carry?

Sections 19 and 20 agreed to.

On section 21:

Hon. Mr. Auld moves that section 21 of the bill be deleted and the following substituted therefor:

21. (1) Where the commission has given a copy of the report of the fact-finder to each of the parties and, the commission is of the opinion that the parties will or are likely to benefit from assistance, the commission may assign a person to assist the parties to make or renew, as the case may be, the agreement.

(2) Where the commission has given a copy of the report of the fact-finder to each of the parties and both of the parties request assistance from the commission, the commission shall assign a person or assist the parties to make or renew, as the case may be, the agreement.

**Mr. Chairman:** Does the committee wish me to reread the minister's amendment? Is there any discussion?

Motion agreed to.

Section 21, as amended, agreed to.

**Mr. Chairman:** Is there any other discussion on any other section?

On section 22:

Hon. Mr. Auld moves that section 22 of the bill be amended by adding thereto the following subsection:

(3) Notwithstanding subsections 1 and 2 where both parties agree and the commission approves the commission may defer making public the report of the fact-finder for an additional period of not more than five days.

**Mr. Chairman:** Does the committee agree to the minister's amendment to section 22, as read?

Motion agreed to.

Section 22, as amended, agreed to.

**Mr. Chairman:** Any other comments or questions on any other section?

Hon. Mr. Auld: Section 24, Mr. Chairman.

**Mr. Chairman:** Section 24. We agree that section 23 is carried?

Section 23 agreed to.

On section 24:

Hon. Mr. Auld moves that subsection 1 of section 24 of the bill be deleted and the following substituted therefor:

Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to an arbitrator or board of arbitration, the parties shall jointly give written notice to the commission that they have so agreed and the notice shall state.

**Mr. Chairman:** Does the committee wish the chair to reread the minister's amendment? Shall the amendment as presented by the minister carry?

**Mr. Cassidy:** Mr. Chairman.

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** I have listened with great care and I don't know what the minister has deleted from the existing one and I can't find a copy here. Could he explain that?

**Hon. Mr. Auld:** I'm sorry. What was added there was in the second line—I'll read it: "Where the parties agree to refer all matters remaining in dispute between them..." there is inserted "...that may be provided for in an agreement..." and then it refers to an arbitrator or board of arbitration.

It may be that the hon. member got an early copy of the amendments which didn't have the amendment in. I'm afraid that's what must have happened.

**Mr. Cassidy:** Some of these amendments appear to be drawn directly from Bill 100, and I guess we haven't got them here.

**Hon. Mr. Auld:** Right. I have an amendment to subsection 2 of that same section, Mr. Chairman.

**Mr. Cassidy:** Well, I wanted to comment on something in this amendment here. It just seems to me to confirm the Indian-giving—maybe I shouldn't use that word; I retract that, Mr. Chairman.

**Hon. Mr. Auld:** The which?

**Mr. Cassidy:** As a matter of fact—

**Hon. Mr. Auld:** I am sorry. I missed that.

**Mr. Cassidy:** Well, it is probably a good thing.

**Mr. Breithaupt:** Perhaps the member can expand on that.

**Mr. Cassidy:** As a matter of fact, it should probably be put on the record that the word itself, which comes out of the depths of one's childhood, is a complete misnomer, because

the most generous people in North America since time began have been our native peoples, our Indians, who are much more generous—

**Hon. Mr. Auld:** Good for you. That was quick work.

**Mr. Deacon:** The member for Ottawa Centre is almost as confused about them as the member for Timiskaming.

**Mr. Cassidy:**—than the whites, who have given little and taken very much.

**Hon. Mr. Auld:** That was quick work.

**Mr. Cassidy:** Mr. Chairman, the stinginess with which the ministry is putting forward this particular bill is reflected in the fact that after saying in section 4 that negotiations can be carried out on anything except superannuation, and therefore presumably an agreement should be able to cover anything except superannuation, the minister keeps on insisting on putting these niggling little words into each section where he can find space for them. The facts, as he knows, are that agreements are severely circumscribed for community college teachers. That's confirmed again and again in the bill.

**Mr. Chairman:** All those in favour of the minister's amendment will please say "aye."  
All those opposed will please say "nay."

**Mr. Breithaupt:** Which ear did you hear it in?

**Mr. Chairman:** In my opinion, my right ear indicates that the "ayes" have it.

**Mr. Breithaupt:** All three of them.

**Mr. Cassidy:** On a point of order, Mr. Chairman. It seems to me that when one voice alone is heard to say "aye"—

**Mr. Stokes:** A single voice.

**Mr. Cassidy:**—and there are not even five Conservatives in the House—

**Mr. Foulds:** Five in the wilderness.

**Mr. Cassidy:**—that it's incumbent on them to keep at least five people in here in order to stack votes. It shouldn't always have to be this side of the House that has to do that.

**Mr. Havrot:** Oh, come on. Don't be ludicrous.

**Mr. Cassidy:** That was clearly a vote in favour of the "nays." At the time of the stacking I am sure that the government side

could have carried it, because they have the votes in the House but they have an obligation to keep the relevant number of people in here.

**Mr. Havrot:** Only five of us.

**Mr. Cassidy:** Mr. Chairman, I would ask whether there is a quorum.

**Mr. Chairman:** May I point out to the hon. member that it is not the responsibility of the chairman to count the number of members of each party that are in the House at any one time.

**Mr. Stokes:** How many voices did you hear?

**Mr. Chairman:** It seemed to me that I heard a very strong "aye." However, the Chair could be wrong.

**Mr. Stokes:** On a point of order, Mr. Chairman. How many voices did you hear?

**Mr. Eaton:** You cannot tell how many voices.

**Mr. Stokes:** When the "ayes" were called for, how many voices did you hear?

**Mr. Chairman:** When voices are speaking in unison they sound as though there could be a lot of them.

**Mr. Breithaupt:** They sound just like one, don't they?

**Mr. Stokes:** Just like one. And that in fact was what happened; there was one voice.

**Mr. Chairman:** Perhaps—

**Mr. Cassidy:** Just for the record, Mr. Chairman, there are six New Democrats in the House, which means we have enough to stack votes, there are five Liberals, and there are currently four Conservatives, since the member for Welland (Mr. Morningstar) woke up.

**Mr. Havrot:** All it takes in order to stack.

**Mr. Cassidy:** I would ask the chairman whether there is a quorum.

**Mr. Chairman:** Well, I would just like to indicate that it seems to me the hon. member for Welland was thinking at the time; I noticed him there and he was nodding his head in a sense—

**Mr. Breithaupt:** In agreement.

**Mr. Chairman:** We will count the quorum if you like.



**Mr. H. Worton** (Wellington South): Sit on him, Ellis. Sit on him.

**Clerk of the House:** Mr. Chairman, there is not a quorum.

Mr. Chairman ordered that the bells be rung for four minutes.

**Clerk of the House:** There is a quorum present, Mr. Chairman.

**Mr. Chairman:** We have a quorum. Let us return to section 24(1).

**Mr. Deacon:** We haven't got a minister here.

**Mr. Laughren:** Nobody noticed. Who would notice?

**Mr. Deans:** It is not who would notice but who would care; that is the question.

**Mr. W. Ferrier** (Cochrane South): Is the Provincial Secretary for Resources Development going to step into the breach?

**Hon. Mr. Auld:** You have to admit it has been a long time.

**Mr. Deans:** An hour and a half is a long time.

**Mr. Chairman:** Inasmuch as the minister has attended to an urgent problem, we will get back to the amendment.

**Mr. Breithaupt:** Satisfactorily, I hope.

**Mr. Chairman:** As I recall it, before the quorum call, the committee wished to stack this amendment with the others. We will stack that one and deal with them at the end. I believe the hon. minister indicated he had an amendment to subsection 2 of section 24.

**Hon. Mr. Auld:** This is the one that the hon. member for York Centre referred to a moment ago, I think.

Hon. Mr. Auld moves that section 24 of the bill be amended by adding thereto the following subsection:

(2) Except as provided in section 50, a party shall not withdraw from arbitration proceedings under this part after notice is given to the commission in accordance with subsection 1,

and that the remaining subsections be re-numbered accordingly and that the cross-reference in subsection 5 read subsection 4.

Motion agreed to.

**Mr. Chairman:** Any further amendments to any other section?

**Hon. Mr. Auld:** Section 33, Mr. Chairman.

**Mr. Chairman:** Any other comments prior to that?

Sections 25 to 32, inclusive, agreed to.

**Mr. Chairman:** Section 33. The hon. minister.

On section 33:

Hon. Mr. Auld moves that subsection 1 of section 33 of the bill be deleted and that the following substituted therefor:

(1) Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to a selector, the parties shall jointly give written notice to the commission that they have so agreed and the notice shall state that the parties agree to refer the matters to a selector, and,

Motion agreed to.

**Mr. Chairman:** Are there any other amendments?

Hon. Mr. Auld moves that section 33 of the bill be amended by adding thereto the following subsection:

(3) Except as provided in section 50, where the parties give to the commission a written statement in accordance with subsection 2, a party shall not withdraw from the proceedings after the final offer of either of the parties has been submitted to the selector

and that the remaining subsections be re-numbered accordingly.

Motion agreed to.

Section 33, as amended, agreed to.

**Mr. Chairman:** Any other comments, questions or criticisms on any other section of the bill, and if so, to which one?

**Hon. Mr. Auld:** Section 42, Mr. Chairman.

**Mr. Chairman:** Are all the sections deemed to be carried up to 42?

Sections 34 to 41, inclusive, agreed to.

**Hon. Mr. Grossman:** The minister is providing his own opposition tonight.

**Mr. Deans:** He doesn't need any more. He has created enough opposition by himself.

**Hon. Mr. Grossman:** Do it. That's what he said.

**Hon. Mr. Auld:** No, I just got rid of it all.

**Mr. Deans:** He would make a good opposition member.

On section 42:

**Hon. Mr. Auld:** I have an amendment to section 42.

**Mr. Deans:** What's the matter. Can't you read?

**Hon. Mr. Grossman:** He just thought of something.

**Hon. Mr. Auld:** I just thought of a problem.

**Mr. Deans:** It is bad enough that you can't speak, but can't you read?

**Hon. Mr. Auld:** moves that section 42 of the bill be amended by adding thereto the following subsection:

(3) Where any person without lawful excuse

(a) on being duly summoned under subsection 2 as a witness before the selector makes default in so attending;

(b) being in attendance as a witness before the selector refuses to take an oath or to make an affirmation legally required by the selector to be taken or made, or to produce any document or thing in his power or control legally required by the selector to be produced by him, or to answer any question to which the selector may legally require an answer; or

(c) does any other thing that would, if the selector had been a court of law having power to commit for contempt, have been in contempt of that court;

the selector may state a case to the divisional court setting out the facts and that court may on the application of the selector inquire into the matter, and after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

**Hon. Mr. Grossman:** I knew that guy was in trouble.

**Mr. Chairman:** The hon. member for Nickel Belt.

**Mr. Deans:** Oh, explain.

**Mr. Laughren:** I am wondering why the

minister has apparently toughened up this section. Could he give us an explanation?

**Hon. Mr. Auld:** Mr. Chairman, it parallels the powers that are given an arbitrator and puts a selector in the same position as an arbitrator.

**Mr. Deans:** What powers does the arbitrator have? Would the minister explain that?

**Hon. Mr. Auld:** The powers that I have just read.

**Mr. Deans:** Would the minister explain it to us?

**Hon. Mr. Grossman:** He says, "Joe, pay the \$2."

**Mr. Breithaupt:** Out in the back with a thumbscrew.

**Hon. Mr. Auld:** By the way, the section that I was referring to when we were discussing section 4, about other Acts taking precedence, is section 49 of this bill.

**Mr. Deans:** And then there was a silence.

**Hon. Mr. Grossman:** Carried.

Some hon. members: No, no.

**Mr. Chairman:** Order, please.

**Hon. Mr. Grossman:** The member who asked the question left the chamber.

**Mr. Deans:** No, I am still here. Go on.

**Hon. Mr. Auld:** If the hon. member will look at section 29 on page 11 he will see that repeated.

**Mr. Deans:** I'll see it repeated?

**Hon. Mr. Auld:** Section 29(2) reads:

Where any person without lawful excuse,

(a) on being duly summoned under subsection 1 as a witness before the arbitrator or board of arbitration, as the case may be, makes default in so attending;

(b) being in attendance as a witness before the arbitrator or board of arbitration, as the case may be, refuses to take an oath or make an affirmation [and so on] the arbitrator or board of arbitration may state a case to the divisional court. . . .

I know that the hon. member loves to hear my voice.

**Hon. Mr. Grossman:** Would the minister mind repeating that?

Hon. Mr. Auld: I will read the whole thing if he really wants me to.

Hon. Mr. Grossman: No, it is carried.

Mr. Chairman: Shall the amendment carry as read and explained by the minister?

Mr. Deans: We might accept it as read, but as it has been explained it is hard to take.

Motion agreed to.

Section 42, as amended, agreed to.

Mr. Chairman: Are there any further amendments, comments or criticism to any other section of the bill?

Mr. Deacon: Section 54.

Mr. Chairman: Which was that, the hon. member for York Centre?

Interjection by an hon. member.

Mr. Chairman: The hon. minister has an amendment to section 54. Shall all sections up to that carry?

Mr. Laughren: Section 46, Mr. Chairman. Sections 43 to 45, inclusive, agreed to.

Mr. Chairman: The hon. member for Nickel Belt on section 46.

Hon. Mr. Grossman: Isn't the member supposed to stand up when he makes a presentation?

On section 46:

Mr. Laughren: Mr. Chairman, section 46 offends me for the same reason that the previous sections offended me; that is, because of the specific date indicated in the section.

The section indicates that the agreement shall be for a term of operation of not less than one year. Well, that is no problem, and it makes a great deal of sense, but it is explicit—

Mr. B. Newman: It can't be a year and a half.

Mr. Laughren: —that it will be either a one-, two-, three- or four-year agreement. In other words, they must be even-year agreements. It is beyond me why he continues to feel that that is a requirement. Surely if the two teams agree that there should be an 18-month collective bargaining agreement, so be it. The length of an agreement can be a very important part of the collective bargaining process, and I would just wish to state our objections to this principle once again.

Mr. Chairman: Does the section carry?

Section 46 agreed to.

Mr. Chairman: The hon. minister had an amendment; to which section?

Hon. Mr. Auld: Section 54.

Mr. Chairman: Is there any other comment or amendment prior to section 54?

Mr. Cassidy: On 49, Mr. Chairman.

Sections 47 and 48 agreed to.

On section 49:

Mr. Cassidy: I am writing an amendment but I can read it right now. Mr. Chairman, we have raised with the minister on several occasions the position as far as community college teachers and their political rights are concerned. I would point out to him an anomaly, that in the Act respecting the Provincial Schools Authority and its teachers it's possible—it's hard to say for sure—that those teachers who work for the School for the Deaf and places like that will enjoy the political rights that most normal people, including school teachers, expect to have in the Province of Ontario.

The teachers who work for the Provincial Schools Authority will cease to be Crown employees and their contracts of employment will be vested in the authority when that particular Act comes into force. It leaves them a bit in limbo because it's not clear whether the authority is a ministry agency or whether it's autonomous. That's a consequence of the peculiar way in which you are dodging the issue of giving free collective bargaining rights to all your employees and not just to some of them; or not just to some of them in a very limited way.

Mr. Cassidy moves that Bill 108 be amended by adding a new clause to section 49:

49. (3) Notwithstanding this section, sections 11 to 16 of the Public Service Act shall not apply to employees under this Act in so far as they relate to the political rights of employees of colleges of applied arts and technology.

Mr. Cassidy: I think that's accurate. The sections which are excluded from the precedence of legislation—which is why we are bringing it forward under section 49—are those sections which circumscribe the political rights of community college teachers.

As Crown employees they do not have the right to be candidates, to solicit funds for a



provincial or federal political party or to associate their position in the service of the Crown with any political activity. If they are named in the regulations, they will not be able to canvass at any time or otherwise actively work at any time in support of a provincial or federal political party or candidate.

Somebody who is teaching English to manpower training students at Algonquin College and who is a community college teacher is surely not going to bring the structure of government down if he or she happens to be so dedicated to political life in this province and he decides it's in the best interests of the province to campaign on behalf of the Premier (Mr. Davis) or the member for Ottawa East (Mr. Roy), or even Evelyn Gigantes or me. It should surely be their right to do it or not to do it in the same way as any other citizen in the Province of Ontario.

It's difficult to get all of the niceties into this particular section, but the best way, it seems to us, would be for the matter to be negotiable between the community college teachers and the council.

The managerial exclusions or the policy-making exclusions are legitimate, as is the exclusion that you don't go around saying: "I work for the government of Ontario and I think you should vote for Bill Davis or Bob Nixon or Stephen Lewis." The people who work for these colleges should not be able to associate their position of working for an agency of the government with political campaigning. We don't disagree with that.

I have put forward a bill which spells out very carefully what political rights civil servants can have or should have and what political rights civil servants and Crown employees should not have. The situation here is a totally ludicrous one. The people teaching English at Canadore, at Thunder Bay and at Algonquin, all across the province, are treated in precisely the same way as the Deputy Minister of Colleges and Universities, who clearly should not have any overt political role because of his sensitive policy-making position.

The position of 98 per cent of the civil servants and Crown employees in the province is not sensitive. If they choose to put up an election sign or give a few bucks or sign a card in one of the parties or go out and support their brother-in-law who's running for nomination in a particular riding association or whatever, he should have that freedom just like anybody else.

The member for Nickel Belt was present in the committee—and he'll talk about it—when a specific commitment was made by the Chairman of Management Board, and that commitment is being welched on by the government at this time.

I'll give you the amendment in a minute, Mr. Chairman.

**Mr. Chairman:** Does the hon. member for Nickel Belt wish to comment on the amendment?

**Mr. Laughren:** Yes. What I find so ludicrous, to use my colleague's term, about the situation that the college teachers find themselves in, is that they are in the only level of education which prevents the teachers from involving themselves in the political process.

If you happen to teach at the elementary school level, at the secondary school level or university level, then you have full access to the political process in this province. If you find yourself moving, as I did, from the secondary school system to the community college system, suddenly your political freedom is yanked out from under you. I'm the same person I was before I moved to the college system. Why then have my rights been taken away from me? Surely my duties as a teacher in the community college system are not that different to what they were in the secondary school system.

In a parallel kind of situation, I have friends who have moved from the community college system to teach at a university, and they themselves, once again, find the reverse—they suddenly have political freedom they didn't have before. I would like to know how the minister justifies that.

I wonder, too, if the minister was aware of the comments of the Chairman of Management Board during the debates of his ministry about three weeks ago, when he implied very strongly that legislation to deal with the position of community college teachers was imminent. The implication was there that we shouldn't really concern ourselves, and we shouldn't waste the time of the committee in debating that particular night, because really we should just be patient and everything would be fine.

Really, he is the one who's wasting the time of this House, because surely it was the ideal time to bring in a companion bill. If it required a separate bill, if it required an amendment to the Public Service Act, it should have been brought in as a companion bill at this time. It's an injustice to the college teachers and it's an injustice to us as legislators, that we are debating this particu-

lar problem of the community college teachers under this particular bill, when there could have been a companion bill introduced, I would urge the minister to see that that companion legislation is introduced on Thursday.

**Mr. Chairman:** Does any other hon. member wish to speak to the amendment? The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, we in this party have always supported the rights of an individual to partake in political activity of his own choice. I just wonder why the minister hedges at this time to accept the basic right of an individual to partake in political activity. We do understand that there are certain categories or certain levels where there might be some hesitancy on the part of government, but when we're asking for the average community college teacher to have the right to engage in political activity, one of his basic rights, we wonder what the reasoning is behind the minister in delaying giving them that right.

As the previous speaker did make mention, in each of the other levels of educational activity the individual has that right—elementary school, private, public, separate, secondary school, private, public and/or separate, and at the university level—but on the community college level you seem to deny the individuals that right. We will support the amendment.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Auld:** I was not there when the Chairman of Management Board of Cabinet indicated in his estimates certain changes that might be being considered for the Public Service Act. As far as I'm concerned, there is no provision for that amendment in this Act. I will reject the amendment, because it's my understanding that the whole matter of the public service and political activities is under consideration. It would seem to me that it is appropriate that amendments be made in that Act. It would seem to me that it would be simply confusing if we were to do it piecemeal.

For that reason, while I'm not disagreeing with some of the opinions put forward by the members opposite, in my opinion the proper place for an amendment would be in that Act, rather than this one.

**Mr. Cassidy:** Don't you guys talk together?

**Mr. Laughren:** We don't have any choice.

**Mr. Cassidy:** Mr. Chairman, we don't have any choice but to act in this particular way. The passage of this Act in itself is a recognition that the community college teachers fall into a grey area. Previously, they've been under CECBA, the Crown Employees Collective Bargaining Act. Community college teachers are being given the right to strike under many conditions in this particular Act. Their status is being brought more closely into accord with other people who have similar teaching responsibilities, who work for the school boards and who work for the universities. It just seems to me that whatever the government intends to do for its civil servants, it's going to be some time. It clearly is not going to come between now and the election.

I would suggest that it was time to give community college teachers these rights now. Let them be bargainable; let them be sorted out that way, if you will. If you want to stand the clause and get a better wording for the amendment, or one that you find more acceptable, that's fine; we'll stand the clause and wait for it.

I would point out as well, Mr. Chairman, that if you read further on in the bill, under section 66 you find that it says: "Every person is free"—and the word is a bit laughable—"to join an employee organization of his own choice and to participate in its lawful activities."

There's nothing to stop the carpenters, the cooks and the other support staff in the community college from joining trade unions affiliated with the Canadian Labour Congress and which, for that matter, may or may not be affiliated with a political party. You then put them in a position where, through the membership of their local trade union with which they're bargaining and to which the Act says they have a right to belong, they violate the political rights clauses of the Public Service Act.

That's a ludicrous kind of situation. Clearly the only way around it is for the minister to accept this amendment, or to stand the clause and come up with some kind of an alternative wording which he and his people find more acceptable.

**Mr. Chairman:** I might say that I, as Chairman, have some grave reservations as to the propriety of the amendment, but I am prepared to have the committee deal with it at this time.

**Mr. Cassidy:** Thank you.



**Mr. Chairman:** All those in favour of Mr. Cassidy's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

**Mr. Cassidy:** We'll stack it, Mr. Chairman.

**Mr. Chairman:** Agreed to stack?

Are there any further amendments or comments to any other section before the minister's amendment to section 54?

Sections 50 to 53, inclusive, agreed to.

On section 54:

**Mr. Chairman:** The minister has an amendment to this section.

**Hon. Mr. Auld** moves that subsection 2 of section 54 of the bill be deleted and the following substituted therefor:

Where the Ontario Labour Relations Board is satisfied that an employee because of his religious convictions or belief objects to paying dues or contributions to an employee organization, the Ontario Labour Relations Board shall order that the provisions of the agreement pertaining thereto do not apply to such employee and that the employee is not required to pay dues or contributions to the employee organization, provided that amounts equivalent thereto are remitted by the employer to a charitable organization mutually agreed upon by the employee and the employee organization and failing such agreement then to such charitable organization registered as such under part I of the Income Tax Act (Canada) as may be designated by the Ontario Labour Relations Board.

**Hon. Mr. Auld:** Mr. Chairman, that amendment corrects the previous omission providing for agreement between the employees and the employee organizations as to the charitable organization to which remittances in lieu of dues would be sent.

**Mr. Chairman:** Is there any discussion on the amendment as moved by the minister?

**Mr. Deacon:** That means that the charitable organization would have to be approved by the employee organization, is that right?

**Hon. Mr. Auld:** No. The amendment is that the charitable organization is one mutually agreed upon by the employee and the employee organization.

**Mr. Chairman:** Shall the amendment carry?

Motion agreed to.

**Hon. Mr. Auld:** I have another amendment to section 56, Mr. Chairman.

**Mr. Cassidy:** I want to speak on 54(3) first.

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** Mr. Chairman, I recognize that a kind of Rand formula has been put in here; that is, that the employee who chooses not to belong to the union can opt out. But in fact it's much broader than that. It isn't just people who have religious objections, or objections on grounds of conscience; it's people who just don't feel like it, who want to be nasty or whatever, who can decide deliberately that they will not take part in the union.

That's contradictory, if you compare it, say, with Bill 100, because the component units of the Ontario Teachers' Federation amount to closed shops, and that's been validated by the province in the legislation which just went through committee stage today. The Minister of Education can tell this minister about that situation. Every teacher in the province is obliged to form part of one of the five teacher federations of the province.

Subsection 3 says: "No agreement shall contain a provision which would require membership in the employee organization." The matter, therefore, doesn't even become negotiable, and we object to that. I would like the minister's comments on that, because once again, among other things, this conflicts with section 4, which says every matter is negotiable, with only the exclusion of superannuation. Section 4 says: "Negotiations can be carried out in respect of any term or condition of employment put forward by either party," and yet we come to the question of membership and that is not negotiable, because it has been ruled out in advance because of the government.

**Hon. Mr. Auld:** Mr. Chairman, my understanding is that until 1972 there were a number of people involved on the faculty who were not members of the association and that was part of the agreement.

I think, subsequent to that time, the rule has changed. However, there are those on the staff who are members of other associa-



tions, professional associations and so on, who would perhaps be in conflict with the rules of their own professional associations, even though they are part-time or full-time members of the faculty. As I say, and say very briefly, this provision is part of the agreement. I've just forgotten the percentage, but it's a very small percentage of people who are not included, but that is the present situation.

**Mr. Cassidy:** Mr. Chairman, subsection 2, which we just had another look at, says that an employee can direct his dues or contributions to a charity if, on feelings of his conscience, he doesn't want to pay them to the union. That's fair enough. However, subsection 3 seems to indicate that if an employee just doesn't want to pay his dues at all and doesn't want to make any kind of contribution he has that freedom and can simply be a freeloader on the union.

Later on, in other subsections, the reference is constantly to the employees who have to vote on strikes, terms of settlements and that kind of thing and not to the membership of the union. At the very least it seems to me that to be consistent with this subsection 3, people who are not members of the union should not have the right to vote on any collective agreements which are being proposed to be made between the colleges and their employee organizations.

**Hon. Mr. Auld:** Mr. Chairman, perhaps I should clarify what I just said. My understanding is that prior to 1972, membership dues paying was not compulsory. It presently is under the provisions of subsection 2, with that opting-out clause as far as religious convictions and so on are concerned. However, in the current agreement those who joined the staffs prior to 1972 are still not required either to pay dues or to join the union. However, in the case of a vote, all those who pay dues whether they are members of the union or not, have an opportunity to vote.

**Mr. Cassidy:** The way the minister is going, though, he is allowing people not to pay dues at all and is therefore making an attempt to weaken the unions.

**Hon. Mr. Auld:** It is continuing the existing agreement as it applies to those who joined before 1972 and that is correct.

**Mr. Chairman:** Shall subsection 3 of 54 carry? Carried.

Section 54, as amended, agreed to.

**Mr. Chairman:** Are there any other comments, questions or amendments to any other section?

**Mr. B. Newman:** Section 56(1).

**Mr. Chairman:** Section 56?

Section 55 agreed to.

On section 56:

**Hon. Mr. Auld:** I have an amendment to subsection 10.

**Mr. Chairman:** We have a comment prior to subsection 10. The hon. member for York Centre.

**Mr. Deacon:** Yes, Mr. Chairman. I have been concerned about the importance of having appointments to this commission that not one of the three parties involved here could have any question about. I know that was the intent of the minister and of the legislation but in order to be sure of this I feel that clause 1 would have to be changed.

**Mr. Deacon moves** that section 56(1) be amended by the addition of the following words: "But such appointment shall not be confirmed if challenged by any of the parties."

**Mr. Deacon:** I feel it is important, Mr. Chairman, that a procedure such as this—it is a procedure used in the appointment of juries to be sure there is no question by either party that the members of the jury are objective and will give a fair decision. We want to be sure, in the same way, that there is no question in this case; that all members of the commission are going to be objective and will not look upon each question as if they are representing one side or the other. I don't think that's the way this commission should be made up or that there should be any suggestion of that.

I know there will be difficulties in doing this, particularly when it's a cabinet appointment, but I think we should have something in here which would lead the ministry to check out the appointment with the parties in advance to be sure it is a completely respected group of people. The ministry could maybe make 10 suggestions and ask, "would any of these suggested names be objectionable to you?"

In that way we can be sure that when those people are appointed they have the confidence or should have the confidence of all parties. I would urge the minister to give

consideration to this amendment to clause 56, subsection 1, to provide for that type of panel selection.

**Mr. Chairman:** The hon. member for Nickel Belt.

**Mr. Laughren:** Mr. Chairman, I see a difficulty with the Liberal amendment. I'm sorry it's worded that way. I think it would have been much better to have proposed an amendment which would have had the Lieutenant Governor in Council appoint two of the members of the Education Relations Commission, the employee organization appoint two members of the commission and a fifth member be someone mutually agreed upon, in which case you have a more direct say by the College Relations Commission. There can then be no argument that a commission has been struck by the government, and therefore it is a biased commission. I think we all know the problems that were caused by the tribunal that was established to arbitrate the dispute between the colleges last year. Mr. Chairman, I want to propose another amendment. Can I do it after the Liberal amendment has been dealt with?

**Mr. Chairman:** Yes, I will entertain another amendment after the Liberal amendment has been dealt with.

The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, if I may make a few comments on this and support my colleague in the suggestion he made. I can recall when we first debated Bill 100 in the House on second reading that I had made such a suggestion. With the ministry selecting all five, or having two selected by each of the two parties, and then the chairman of the commission or the fifth party to be selected by the Lieutenant Governor in Council, with that type of an approach you have all the responsibility shifted on one individual; whereas if you have a panel of, say, 10 individuals who have been selected and then each of the two sides come to an agreement, or attempt to come to an agreement on five individuals, you do have the complete complement for the College Relations Commission as it is called here.

I think you would have more objectivity in five, rather than just having the one individual, mutually agreed upon by the two parties. It would be better to have five neutral people rather than having only the one neutral individual.

I hope the members of our party to the left seriously think this over, because I think

the suggestion by my colleague is a good one. It could resolve a lot of the problems.

**Mr. Deacon:** Perhaps the minister would comment on this.

**Mr. Chairman:** Does the hon. minister wish to comment on this?

**Hon. Mr. Auld:** Yes, Mr. Chairman, it's a very interesting proposal and one that has considerable merit. I think we are in agreement with the philosophy behind the commission.

**Mr. Deacon:** There is no question.

**Hon. Mr. Auld:** It would not be two representatives of the two so-called partisans, with a so-called neutral chairman; it is to be five neutral people.

**Mr. Deacon:** That's right.

**Hon. Mr. Auld:** I can't accept the amendment at this time for this reason, that it would be possible for an interminable discussion to go on in terms of getting five people who are mutually acceptable.

**Mr. B. Newman:** You do it for juries all the time.

**Hon. Mr. Auld:** I am not saying that it would happen, but I am saying it is possible. Furthermore, I can't believe the government, the Lieutenant Governor in Council, will not be anxious to find people acceptable to both sides. I think the government will be anxious to do so in this kind of an experiment. That's what it is, and I think a very good one.

I think that the Minister of Education perhaps has a more difficult situation to deal with than I inasmuch as there are three parties rather than two. Generally—

**Mr. Deacon:** Well, you have some different groups also.

**Hon. Mr. Auld:** I guess three and four, you might say. It is really quite a departure, and one in which I think there is great possibility of success. I would hate to see at the beginning a situation where we might have our hands tied in getting a group together. I can only say in rejecting the hon. member's amendment that I think I can assure him the government will be anxious to find people who are acceptable to both sides, even though there may not be the technical right of veto.

**Mr. Deacon:** Mr. Chairman, I can see the problem that actually writing this into legislation presents; I can agree with the minister



in that. The fact is that I think it is really vital that an informal procedure be carried out whereby the government is assured of the agreement, of all parties in this case, to the people who are being appointed. It could destroy confidence in the whole procedure of good-faith bargaining which is emphasized all the way through this bill if we don't have these appointments made in the manner I'm suggesting.

Whether it be informal or formally done, it should be done in some such manner because the commission has such an important role. In many, many areas it's the commission's decision that's going to have tremendous bearing on whether or not the negotiations are successful. This requires a tremendous amount of confidence in the objectivity of the commission.

I'm so anxious to be sure, and I'm sure the minister is too, that this commission be made up of five really and truly objective people. I can understand the minister's problem. I feel that this amendment would not unduly tie nor delay the appointment of this commission and it would provide the assurance to all parties concerned that the appointments are people who are objective and can be relied upon to give a completely objective view, opinion and decisions on the matters presented before them.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** The section of the Act now has the appointment of five. Our suggestion is that, if you were to appoint a larger number and then let the two parties select five mutually agreed upon between the two of them, you would resolve the issue. You would have five individuals who would be completely impartial in their approach to the problem and it would satisfy both sides.

**Mr. Laughren:** Mr. Chairman, I would urge the minister to reject that kind of Liberalism in its entirety.

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Mr. Cassidy:** I just want to say that I agree with the purposes of what the Liberal amendment tries to achieve but certainly not with its means. It seems to me that there is a long and worthwhile practice of bipartite boards in Ontario labour law as in most labour law in the continent. The Labour Relations Board, the public service labour rela-

tions tribunal, the grievances boards under CECBA, which is what governs these college teachers before this bill is passed, have all been based on the formula of two plus two plus the jointly-agreed-upon chairman.

It is a means by which you can guarantee and show to both parties concerned that you mean what you say when you talk about good-faith bargaining. The way the ministry is proceeding with it, however, is once again eroding the principles of good faith which should be the cornerstone of all labour relations legislation in the province.

**Mr. Chairman:** Mr. Deacon has moved that section 56(1) be amended by the addition of the following words: "but such appointment shall not be confirmed if challenged by any of the parties."

All those in favour of Mr. Deacon's amendment will please say "aye".

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack this amendment?

Mr. Laughren moves that section 56(1) be amended by deleting all the words after "composed" and substituting therefor the words, "five persons, two who shall be appointed by the Lieutenant Governor in Council, two by the employer organization and a fifth to be a person mutually agreeable to both parties."

**Mr. Laughren:** I don't know whether it is parliamentarily correct, Mr. Chairman, but I would also move that section 56(2) be deleted because it would not be necessary since we intend that this amendment will pass.

**Mr. Chairman:** Perhaps the committee will deal with the amendment and then we will deal with any possible need for any further amendments to deal with subsection 2 later.

**Mr. Laughren:** Certainly.

**Mr. Deacon:** I would like to say that much as we like to support this party on our left on occasion, in this case we can't go along with it because there has been a singular lack of success in many instances in situations of the traditional method of appointments. So often minority decisions occur and in this bill we are trying to achieve a new approach to negotiations which hopefully would result in fewer breakdowns and much less work stoppage than we have seen in this province particularly in recent years.



I don't think we have an enviable record in this country when our work stoppage record is second only to Italy in number of days. I would think we would be looking for methods of improving the relationships and decreasing the breakdowns which have been occurring in recent years.

**Mr. Laughren:** Mr. Chairman, that is an incredible red herring to draw into this debate. If this amendment does not pass, it's not because it would cause any deterioration in relations between the community college teachers and the Management Board. It's because the two old-line parties are unable to cast off their management bias.

**Mr. Cassidy:** Might I just add, Mr. Chairman, that not only are some of my constituents descended from Italian people—

**Hon. Mr. Grossman:** Man the barricades.

**Mr. Cassidy:** What's that?

**Mr. Chairman:** The hon. member for Ottawa Centre.

**Hon. Mr. Grossman:** I said, man the barricades.

**Mr. Laughren:** Sit down.

**Mr. Chairman:** Order, please.

**Mr. Cassidy:** This just shows, Mr. Chairman, that the Liberal Party is anti-labour and does not understand good-faith bargaining, which is what this particular—

**Mr. Chairman:** Perhaps the hon. member would return to the amendment.

**Mr. Cassidy:**—amendment by the member for Nickel Belt is directed to.

**Hon. Mr. Winkler:** I often wonder who you think you are over there.

**Mr. Cassidy:** That's right.

**Mr. Chairman:** Order, please.

**Mr. Cassidy:** Not the speaker. We know what the government stand is.

Interjections by hon. members.

**Hon. Mr. Grossman:** Man the barricades.

**Mr. Cassidy:** From time to time, Mr. Chairman—

**Hon. Mr. Grossman:** To the barricades.

**Mr. Chairman:** Order, please.

**Mr. Cassidy:**—we have the Liberal opposition—

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Cassidy:**—masquerading as pro-labour but then they order the teachers back to work.

**Mr. Chairman:** Order, order.

**Hon. Mr. Grossman:** Man the barricades.

**Mr. Cassidy:** That's right.

**Mr. R. F. Ruston (Essex-Kent):** Your mouth is open.

**Mr. Chairman:** Mr. Laughren has moved an amendment to section 56(1).

Order, please.

All those in favour of Mr. Laughren's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall this amendment be stacked?

Agreed.

**Mr. Cassidy:** Stack it.

**Hon. Mr. Winkler:** Stack Cassidy, too.

**Mr. Chairman:** Is there any other amendment prior to subsection 10?

**Mr. Deacon:** Subsection 2, Mr. Chairman. I feel the committee here should not be denied the right that any legislative committee or most committees have; that is the right to choose a chairman and a vice-chairman from among its members.

Mr. Deacon moves that clause 56(2) be deleted and the following substituted therefor: "The commission shall appoint from among its members a chairman and a vice-chairman."

**Mr. Deacon:** In this way, the committee will select a person in whom they all have confidence to give leadership and a substitute for that person. I think it's important that this committee be given the autonomy the government claims it wants to give it rather than direction from the government. I think this would be a good indication of autonomy for the commission to carry on on its own, including the selection of its chairman and vice-chairman.

**Mr. Laughren:** Pure Liberalism.

**Mr. Chairman:** Does any other member wish to comment on the amendment before the minister responds?

The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, at this point in time I hate to do this to my hon. friend but I can't accept this amendment either. I think it may well be in the not-too-distant future that it will work that way.

On the other hand, I think it's going to be very difficult to put together the kind of group that I think we agree needs to be done. I would like to see the Lieutenant Governor in Council still have this kind of flexibility in the early instance to be able, hopefully, to select the kind of person—particularly the chairman but also the vice-chairman who acts in the chairman's absence—with the really outstanding capabilities we are going to require.

**Mr. Deacon:** Mr. Chairman, in a community college, as the board of governors is set up, does the government appoint the chairman? Doesn't the board have a right to make its own appointments? Surely this commission should have just as much right as any other commission, any other committee or any other board.

I think it is wrong for the government to say, "We are appointing you, but we have already decided who is going to be the chairman and who is going to be the vice-chairman."

In effect, the government is giving direction to the committee in a way that I don't think is going to help it feel as independent and as autonomous as it should feel.

I urge the minister to change his position because this is not all that different from what the government does in many other committees and commissions that it appoints.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall the amendment be stacked?

Agreed.

**Mr. Deacon:** Mr. Chairman, I have an amendment to section 56(6).

Mr. Deacon moves that section 56(6) be deleted and the following substituted therefor:

Each of the members of the commission is eligible for reappointment upon expira-

tion of his term of office for not more than one additional term unless a period of not less than one year has elapsed from the expiration of his previous term.

**Mr. Deacon:** The present subsection provides for continual reappointment or no change in the commission. I feel that the government should carry on all the very good practice it has applied to other commissions and committees, where two or three terms is the maximum or there has to be a year before reappointment.

If my amendment is accepted, we can be sure that there is an opportunity for change, but any person who has been particularly valuable after two terms of office could be reappointed after one year. In this way there is not the concern about hurting somebody's feelings because they are not being reappointed. It provides for new blood. I think the ministry would be wise to have this protection or assurance that there is no embarrassment for change. What I have proposed is very much in line with what is done in many other commissions and committees in other ministries as well as in this one.

I would urge that the minister give consideration to this amendment so that we can be assured and the public can be assured of this change in membership; it will encourage new ideas and perhaps eliminate some conflicts in personalities that could have occurred. We want to be sure that this commission is strong and objective and is keeping up with the times.

**Mr. Chairman:** Does the hon. minister wish to reply if there are no other members who wish to speak to the amendment? The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, it is quite true that on a number of boards and commissions which are appointed by the Lieutenant Governor—

**Mr. Deacon:** Including the Board of Regents.

**Hon. Mr. Auld:** —there are specific maximum terms. In this case again, at this point in time and with a new and novel approach, it seems to me that we want to keep as much flexibility as possible because we hope we will find very competent people. There will be those who will not want to serve indefinitely. There may be those whom we would want to serve for many years. For instance, I think of the chairman of the Labour Relations Board who served for I don't know how many years and finally, but

not at our behest, went elsewhere for a better kind of position.

I think the kind of people we are looking for in this commission are ones we would certainly want to keep for some years.

**Mr. Laughren:** In other words, the minister doesn't want mobile people?

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment say "aye."

All those opposed, say "nay."

In my opinion, the "nays" have it. I declare the amendment lost.

Shall we stack that amendment too?

Agreed.

**Mr. Chairman:** Are there any other amendments or comments prior to the amendment proposed by the minister in subsection 10? Perhaps we can deal with it before the committee rises.

Hon. Mr. Auld moves that subsection 10 of section 56 of the bill be deleted and the following substituted therefor:

(10) Subject to the approval of the Lieutenant Governor in Council, the commission may

(a) establish job classification and salary ranges and terms and conditions and employment for its employees, and

(b) appoint and pay such employees as are considered proper.

**Hon. Mr. Auld:** The addition of (b) is the amendment.

**Mr. Chairman:** Is there any discussion on the minister's amendment to subsection 10? Is it agreed that the amendment carry?

Motion agreed to.

**Mr. Chairman:** The Chair assumes there is considerably more debate on clause by clause in this bill?

**Mr. Deacon:** Right.

**Hon. Mr. Grossman:** No, carry the rest.

**Hon. Mr. Auld:** I have several more amendments, Mr. Chairman.

**Mr. Chairman:** Perhaps we can deal with those on another occasion.

Hon. Mr. Winkler moves that the committee rise and report.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report two bills with certain amendments and progress on one bill, and begs for leave to sit again.

Report agreed to.

### THIRD READINGS

The following bills were given third reading upon motion:

Bill 118, An Act to amend the Education Act, 1974.

Bill 132, An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, if I may I would like to say that on Thursday we will deal with the items remaining on the order paper for discussion, the conclusion of the bill that we had in committee this evening, Bill 100, and I believe the pension bill—the one introduced by the Minister of Government Services (Mr. Snow)—will appear on the order paper on Thursday, and anything else that remains there to be discussed.

**Mr. M. Cassidy** (Ottawa Centre): Mr. Speaker, before we conclude, does the minister know of any legislation liable to be introduced on Thursday which the government will try to put through all of a sudden?

**Hon. Mr. Winkler:** Not that I am aware of, Mr. Speaker.

**Mr. Cassidy:** May I be specific, Mr. Speaker? Since the rumours have been rife that the government intends to prance in at the last minute with some kind of—maybe I shouldn't use such emotive words. Does the minister know of any intentions to bring in rent review or rent control legislation before the end of this session?

**Hon. Mr. Winkler:** As per usual, Mr. Speaker, the hon. member's rumours are unfounded.

**Mr. Speaker:** As was announced to the House earlier today, the hon. member for Rainy River had given due and proper notice that he was not satisfied with an answer



from the ministry, and we will deal with that order of business now.

I deem a motion to adjourn to have been made. I recognize the member for Rainy River.

**Mr. T. P. Reid (Rainy River):** Thank you, Mr. Speaker. I have taken the unusual step of employing section 27(g) of the standing orders because I have put the question to the Chairman of Management Board on a number of occasions concerning contract employees of the government. What particularly frustrated me today, Mr. Speaker, was that in answer to my question, the minister said: "That requires statistical information. Put it on the order paper."

I brought to your attention on numerous occasions, Mr. Speaker, that this question has been on the order paper for over a year and two months now. I shouldn't say it has been on the order paper that long because we've had a session in between—an adjournment, prorogation and a new session; I had to put the question on the order paper a second time. My colleague, the member for York Centre (Mr. Deacon), has a similar question that has been on for some months and has not been answered.

Similarly, Mr. Speaker, the minister replied, in answer to my supplementary, that the Civil Service Commission was responsible for keeping track of the people who are working for the government on a contract basis. I asked the Liberal research department if they would contact the Civil Service Commission this morning before I asked the question. The researcher was told that in fact each ministry kept track of the people who were employed on contract. The researcher then phoned the Ministry of Housing. The personnel officer there promptly told her that the Civil Service Commission kept track of the people on contract.

Mr. Speaker, I originally placed this question on May 9, 1974, over a year and two months ago. The question, Mr. Speaker, originally on the order paper, was:

Inquiry of the ministry—Would each ministry provide the number of people employed by that ministry on a contract basis; the gross salaries paid to these people; the length of time the contract is for; and the job descriptions of their contracts.

With all the civil servants and all the people on the minister's staff, he hasn't been able to provide me with that information, although I understand that he has had that information

for over a year. Yet he hasn't seen fit to table it in the Legislature.

I'm getting a little tired, Mr. Speaker, of the arrogant attitude of the people across the way, sitting there and refusing to answer questions and refusing to provide the information to which the people of Ontario are entitled.

I think it's pure hypocrisy, Mr. Speaker, because they made a great deal in their two budgets about cutting down the number of people employed by the civil service. But they won't provide the information about those employed on a contract basis, where they can hide their figures and refuse to divulge them to the public. I estimate that the number of people on a contract basis, seasonals, casuals or temporaries, come to something like 9,000 people. I'll give you an example, Mr. Speaker, partly using the government's own figures.

In the April 7 budget, the government indicated the public service complement, including OPP, Ontario Development Corp. and the Ontario Housing Corp., was 74,855 people. For the same year, Dec. 31, 1974, Statistics Canada indicates the Ontario government employed something like 83,279 people in full-time, or to use StatCan's quotation marks, "other positions." So the government is employing something like 9,000 to 10,000 people, not all of whom are on a contract basis. I understand the total on contract basis is about 4,500. They are employing these people, they are paying them big salaries and they are holding positions of influence; yet the public of Ontario and this House is not allowed to know who they are, what they are, where they are and how much they are being paid.

I tried to elicit this information, Mr. Speaker, during the estimates of the Ministry of Correctional Services. I asked him specifically if he would indicate to me how many employees he had on his staff on a contract basis. The minister promised me that information would be forthcoming. That was a month and a half ago or two months ago.

**Mr. Speaker:** The member's time is just expiring.

**Mr. Reid:** I'll wind up, Mr. Speaker. I think it's the grossest kind of arrogance that this information, which should be public information, shouldn't be provided to this House; that it should take the minister a year and two months and that we still should not have the information. I would ask that he provide it before the end of this session.

**Mr. Speaker:** The hon. minister.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, I am pleased to reply to the hon. member. When I answered today, and I have a copy of Hansard before me, I said this:

No, Mr. Speaker, as a matter of fact, they are contained within the responsibility of the Civil Service Commission and are obtainable, and I will get them for you.

Then, on my researching the question, and looking into the Act that governs the unclassified service, I read in Regulation 749(5) (1) that "unclassified service is divided into the following groups. . . ." It goes down to indicate what they are.

The fact of the matter is and, of course, where I was somewhat wrong, is the fact that certain categories of unclassified staff certainly do pass through Management Board when their contracts are of a certain figure. Those are very easily brought forward.

**Mr. Reid:** Over 22,000.

**Hon. Mr. Winkler:** But let us have a look at the question as it was posted by the hon. member under whatever date, or whenever.

Would each ministry provide the number of people employed by that ministry on a contract basis; the gross salaries paid to these people; the length of time the contract is for; and the job descriptions of their contracts.

Following the regulation as I referred to it and the information that is requested, it is no wonder that it has taken this amount of time to go into each ministry and find out what each job classification is.

**Mr. Reid:** Why did it?

**Hon. Mr. Winkler:** Let me tell the member. I listened to him and I didn't interfere with his discussion.

**Mr. Reid:** The minister has hired another 1,000 people since then.

**Hon. Mr. Winkler:** I looked at what the government put forth in a public document called "Experience '75". In fact, at this point in time, the summer of 1975, we probably have—I haven't got this tied to the floor—we are probably employing 17,500 people in these categories for the summer months. What's wrong with that?

**Mr. Reid:** Come on, that's a red herring.

**Hon. Mr. Winkler:** What's wrong with that? It's no red herring.

**Mr. Speaker:** Order, please.

**Hon. Mr. Winkler:** It's a fact and I'm telling the member that is a fact. For me to go into every department of the government to get the information he requested—

**Mr. Reid:** We're talking about people on contract.

**Mr. Speaker:** Order, please. The hon. minister has the floor.

**Hon. Mr. Winkler:** —if he'd boil it down to numbers, accordingly—

**Mr. Reid:** He is not answering the question.

**Mr. Speaker:** Order, please. The hon. minister has the floor.

**Hon. Mr. Winkler:** I need a little benefit here for the time the hon. member is taking with his interjections.

I want to say to him that if he is requesting me to take the time of my departmental officials to have a job description for every one of those jobs which is out right now—the others on top of this, I might say, though they are temporary in the summer months—I want to tell him it's an absolutely Herculean job to supply that information, and we're at it.

**Mr. Reid:** That wasn't the question and he knows it.

**Hon. Mr. Winkler:** I got the sheets this afternoon and they are not complete. If he wants a job description of every one of them he is going to have to wait for a while yet.

**Mr. Reid:** Only just the people on contract.

**Hon. Mr. Winkler:** I want to tell you, Mr. Speaker, that we're dealing with these jobs exactly as we're dealing with every other job in the Civil Service Commission, in accordance with the budgetary statement made by the Treasurer, and they will be dealt with that way. They will be subject to the same cuts. As soon as I have the time to provide the member with those figures and those job descriptions, he will most certainly have them. I don't want him to think that he's being avoided in any way.

**Mr. Reid:** It won't be—

**Hon. Mr. Winkler:** And we're dealing very fairly and honestly with these people in accordance with the desires of the CSAO. We've complied with their requests, and I

want to tell you, Mr. Speaker, that so far as his question is concerned—

**Mr. Reid:** Oh come on now; he has not.

**Hon. Mr. Winkler:** —when I have the time to produce those figures and those job descriptions, he most certainly will have them.

**Mr. Reid:** More words than action.

**Hon. Mr. Winkler:** I didn't tell the member what the federal civil service is doing.

**Mr. Reid:** The minister never answered the question.

**Mr. Speaker:** Order, please. Order. I deem the motion to adjourn to have been carried.

The House adjourned at 10:45 o'clock, p.m.

## CONTENTS

---

**Tuesday, July 15, 1975**

<b>Provincial Schools Negotiations Act, reported .....</b>	<b>4067</b>
<b>Colleges Collective Bargaining Act, in committee .....</b>	<b>4070</b>
<b>Third readings .....</b>	<b>4094</b>
<b>Debate re answer to written question, Mr. Reid, Mr. Winkler .....</b>	<b>4095</b>
<b>Adjournment .....</b>	<b>4097</b>













# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, July 17, 1975

Afternoon Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

## LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 17, 1975

The House met at 2 o'clock, p.m.

Prayers.

**Mr. E. R. Good** (Waterloo North): Mr. Speaker, before the orders of the day, could I take this opportunity to introduce grade 10 students from Cameron Heights Collegiate in Kitchener under the direction of Mr. Rickert? Would the members join in welcoming them?

**Hon. J. W. Snow** (Minister of Government Services): Mr. Speaker, before the orders of the day, I would like to rise on a point of privilege which I believe the members would wish me to raise on their behalf. It concerns a news item carried on page 5 of yesterday's *Globe and Mail* and later on page 86 of the *Toronto Star* dealing with the allowances paid under the Legislative Assembly Retirement Allowances Act and the amendments that I introduced in this House on Tuesday.

The press report, brief as it was, contained a number of inaccuracies which should be corrected without delay. No reporter spoke to me about the bill after I introduced it. I can only assume, therefore, that the errors have resulted from an incomplete reading of the Act passed in 1973 and a failure to examine carefully the new bill and what I said about it at the time of first reading.

The 11-line item carried by the *Globe and Mail* on Wednesday contained at least three major errors and another point which could be misleading. The basic pension entitlement of members does not change in any way under the new bill and I would like to point this out, Mr. Speaker. The new bill merely provides authority and an approval mechanism to adjust the allowances paid to members already retired, many of them many years ago, or their surviving spouses.

I was very careful to point out at the time of first reading that while the government will propose a certain formula for this adjustment, it will be up to the Board of Internal Economy to make such a determination.

I mentioned three per cent for every year since retirement of a member prior to Dec. 31, 1973. This is three per cent of the existing pension, not three per cent of the salary as was suggested in the article. It should be stressed that neither the bill nor the suggested

formula will change the pensions of any member now in this House. The present basic pension of 4.5 per cent of average salary received, as the *Globe and Mail* put it, is only applicable if a member who was a member prior to the enactment of the 1973 Act, elected to stay on the old plan. Part II of that Act passed in 1973 provided an option of which most members availed themselves and which applies to all new members.

As you know, Mr. Speaker, under part II of the Act, the contribution by the member was seven per cent of his salary and the pension is four per cent of annual average remuneration for the first 10 years of service. The percentage drops to three per cent for the next 10 years of service and to 2½ for the next two years, for a maximum of 75 per cent. A basic pension of 4.5 per cent of salary will apply to a few present members and to most ex-members, but not to anyone who came into this House after 1973. It will be a much lower percentage for most of the present members in this Legislature.

Mr. Speaker, from the three errors drawn to your attention up to this point, you will see that it is completely incorrect to state that the members' pensions will now be 7.5 per cent of their average salary, times the years of service.

The next item is perhaps less serious. It concerns the age of pension eligibility. The statement in the *Globe and Mail* said "55 years [of age] after five years of service." This could only be true for those who retained the old plan. Under part II of the existing legislation, the qualifying number is 60 years when adding age to years of service. Fifty-five years of age plus five years of service could qualify a member for pension; of course, 40 years of age with 20 years of service, or 50 years of age with 10 years of service would give the same qualification. However, there has to be the minimum of five years' service.

Mr. Speaker, I felt it was important to set the record straight lest the public be left with a completely unwarranted impression about



the government's proposals in respect to pensions of the current members. Thank you.

**Mr. Speaker.** Oral questions.

The member for St. George.

### CONTINGENCY RETAINERS

**Mrs. M. Campbell (St. George):** My first question is of the Attorney General.

**Mr. Good:** The minister has had it.

**Mrs. Campbell:** I may have missed his reply to the question put by my colleague, the member for Downsview (Mr. Singer), on the matter of the lawyers in this province acting on a contingency basis. Has the Attorney General addressed himself to that question? Is he prepared to give a statement in this House at this time?

**Hon. J. T. Clement (Provincial Secretary for Justice):** Mr. Speaker, the member's colleague, the member for Downsview, I believe asked that question of me some two weeks ago, perhaps as long back as three weeks ago. I had not at that time turned my mind to it and he pressed me as to my personal views. At that time I said I was not supportive of it, and that has been reported in the media that I personally was not supportive of it. I have not had any conversations with anyone on behalf of the Law Society with reference to this particular matter. I am not anticipating that they will consult me on it. There's no need for them to do it. But I have not had any conversations with the treasurer or the secretary of the Law Society or anyone else, and I am not anticipating that they will approach me. I don't know what stage it's at insofar as the Law Society of Upper Canada is concerned.

**Mrs. Campbell:** Supplementary, Mr. Speaker: Would the Attorney General undertake to advise the Law Society of Upper Canada directly and not via the press as to his position on this important matter?

**Hon. Mr. Clement:** I would question the propriety, Mr. Speaker, of my being presumptuous enough to advise the Law Society of my personal views. If called upon, I would express them as I have here in the House. Until such time as that occurs, I think it might be inappropriate for me to advance gratuitous advice to those learned members of that profession.

**Mr. Speaker:** The member for Ottawa East.

**Mr. A. J. Roy (Ottawa East):** Supplementary: In view of the minister's own personal opinion and in view of the problems caused by the contingency fee, does he not feel that as a minister of the Crown and as a member of the government in this province that he should do all in his power to discourage the profession which is actively considering this contingency fee and that he should make his views known to them? In fact, the minister should even consider what steps he might take if a contingency fee is brought into this province.

**Hon. Mr. Clement:** I would have to turn my mind to what proposed steps I might take. Again, I think this is a matter of conjecture. We are all assuming that the Law Society is going to permit contingency fees.

**Mr. Roy:** They're discussing this.

**Hon. Mr. Clement:** It may well be discussed, but that doesn't mean that it will be permitted. I would think that a substantial number of the profession would very seriously oppose the contingency fee arrangement, which seems to be very inconsistent with the background, I think, of those of us who are members of that society in this House. I haven't talked to any member of this House who is a solicitor who has endorsed it even in private conversation. While we may not be reflective of the profession as a whole, I think we represent a pretty good cross-section. I just don't think the Law Society would move in that direction without exploring it very much in depth and very responsibly. I'm not going to anticipate what the Law Society is going to do until such time as I learn of its decision with reference to that matter.

**Mr. Roy:** If I might have one further supplementary on this: In view of the minister's answer and in view of his concern about it and the concern of all the members, as expressed by my colleague the member for Downsview, therefore, now that he has addressed himself to that problem and to that question, even hypothetical though it might be, is he saying to us here today that he has no contingency plan and he has not discussed at all with his colleagues what he might do if a contingency fee type of billing is approved by the Law Society of Upper Canada?

**Hon. Mr. Clement:** I think that would be most conjectural on my part in this particular instance. The matter may be turned down by the Law Society. I don't visualize my role as Attorney General being that of one offer-

ing gratuitous advice to the Law Society of Upper Canada. If the hon. member would welcome gratuitous advice, perhaps we could meet after the question period and I'd be glad to give him some.

**Mr. Roy:** Unfortunately it has been given.

**Mr. Speaker:** Supplementary.

**Mr. J. A. Renwick (Riverdale):** Mr. Speaker, by way of a supplementary question. Since the Attorney General is by virtue of his office a member of the benchers of the Law Society of Upper Canada, does the Attorney General intend to participate in the discussions of the benchers of the Law Society with respect to the question of whether or not the society will change to a contingency fee basis and if not, why not?

**Hon. Mr. Clement:** No, Mr. Speaker, I don't propose to attend a meeting of the benchers of the Law Society and address myself to it, because I would like to keep my functions completely separate in the event that I may take a position contrary to that shared by my colleagues who sit as benchers of the Law Society.

**Mr. Speaker:** This will be a final supplementary.

**Mr. E. Sargent (Grey-Bruce):** Why doesn't the minister admit that he's operating under the old pilot's maxim?

**Hon. Mr. Clement:** The old what maxim?

**Mr. Sargent:** The old pilot's maxim: There are old pilots and bold pilots, but there are no old, bold pilots. When in doubt, don't. The Minister of Government Services will agree with that, won't he?

**Mr. J. R. Smith (Hamilton Mountain):** What is the member for Grey-Bruce?

**Mr. I. Deans (Wentworth):** Doesn't the minister have any answer for that?

**Hon. Mr. Clement:** No. I always operate under the maxim of doing what my mother told me. She always told me to fly low and slow.

**Mr. Roy:** The minister has been doing that.

**Mr. T. P. Reid (Rainy River):** Certainly slow.

**Mr. Speaker:** The member for St. George.

## WELFARE PROGRAMMES

**Mrs. Campbell:** I have a question, Mr. Speaker, of the Minister of Community and Social Services. In view of the fact that the disparity in income between a senior couple and a mother with one child ranges from \$183.94 per month for a mother and young child on general welfare assistance to \$144.94 for a mother with an older child on family benefits, what is the minister going to do to adjust this disparity?

**Hon. R. Brunelle (Minister of Community and Social Services):** Mr. Speaker, I would be very pleased to look into this disparity.

**Mr. Speaker:** Any further questions?

**Mrs. Campbell:** Mr. Speaker, surely the minister has known these figures, as we have, for some time? Has he not already looked into it, since it was drawn to his attention during estimates?

**Hon. Mr. Brunelle:** Mr. Speaker, I wasn't aware of the disparity specifically that the member refers to. As I indicated, I will be pleased to look into the matter.

**Mr. Speaker:** Any further questions?

## OIL AND GAS PRICES

**Mrs. Campbell:** Mr. Speaker, I would like to direct a question to the Premier, in the absence of the Treasurer (Mr. McKeough). In view of the fact that Gulf and Imperial Oil have announced that in this province, where controls have been imposed beyond Aug. 15, an increase of five cents a gallon which they are now putting into effect will be even greater by reason of that imposition, what is the Premier's position on it?

**Hon. W. G. Davis (Premier):** Mr. Speaker, I would reply to, I assume, the acting leader of the Liberal Party today on this momentous occasion, that unlike her colleagues in Ottawa we have done something about it.

**Mr. Sargent:** Get off that.

**Hon. Mr. Davis:** What does the member mean, "get off it"? It is true. They are the ones who have put us in this position right across this country.

**Mr. Roy:** The Premier is really upset.

Interjections by hon. members.

**Mr. Speaker.** Order, please.

**Hon. Mr. Davis:** I only say, Mr. Speaker, that we intend to maintain the price freeze. We are looking forward to Mr. Isbister's report as it relates to this whole question and, unlike the federal government of this country, we are quite prepared to take whatever action is necessary to protect the consumers of this province.

**Mr. M. Cassidy (Ottawa Centre):** This government hasn't proven that in the past. There has been no evidence of that in the past.

**Mr. Roy:** The Premier is beginning to sound like "Wacky" Bennett.

**Mr. Speaker:** The member for York South with a supplementary.

**Mr. D. C. MacDonald (York South):** A supplementary question of the Premier: Since the province has the constitutional power, as is being exercised by both British Columbia and Nova Scotia on this issue, and since the leaders of the industry have reaffirmed that they are going to take an extra three cents for these mythical losses during the 90-day freeze, what is the Premier going to say now with regard to their proposal to add the three cents and to pick up those losses in perpetuity?

**Mr. Renwick:** Yes. Either the Premier answers that or I'll have to answer it for him.

**Hon. Mr. Davis:** Mr. Speaker, the member for Riverdale wants to answer that question. I am quite prepared to have him answer it.

**Mr. MacDonald:** I prefer to have the Premier's answer.

**Mr. Renwick:** Nothing—nothing.

**Hon. Mr. Davis:** Oh, don't count on that.

**Mr. Deans:** Nothing, because it will be after the election.

**Mr. MacDonald:** I have had no answer to my question. Since the province has the constitutional responsibility and the heads of industry have reaffirmed they are going to take this extra three cents for their mythical losses during the 90-day freeze period, what is the Premier going to do about it and why doesn't he say now?

**Hon. Mr. Davis:** Mr. Speaker, I don't think there is any purpose in prejudging what Mr. Isbister may or may not recommend. I would only say to the hon. member that if the oil companies are suggesting at this point that

they are going to have a greater increase in this province than has been the case in other provinces of Canada, they should do a little rethinking of their position.

**Mr. Speaker:** The member for Grey-Bruce with a supplementary?

**Mr. Sargent.** Mr. Speaker, in view of the fact that the cost of gasoline is a most important factor to a man driving to his job—

**Mr. P. J. Yakabuski (Renfrew South):** Especially in a white Cadillac.

**Mr. G. Nixon (Dovercourt):** What's the question?

**Mr. Speaker:** Order, please.

**Mr. Sargent:**—and in view of the fact that applications for rate increases by Bell Telephone and gas companies have to come before hearings, why doesn't the Premier make the oil companies justify their applications for increases in gasoline prices?

**Hon. Mr. Davis:** I tell you this, Mr. Speaker, I wish there were some way of making the federal government justify its 10-cent-a-gallon increase. It would be very relevant if we could.

**Mr. Renwick:** The Tories are on a losing team and they know it.

**Mr. Sargent:** Ontario's tax is 10 cents a gallon—

**Mr. Roy:** The Tories think they have found an issue.

**Hon. Mr. Davis:** I know we have.

**Mr. Speaker:** Order! A final supplementary. The member for Ottawa Centre.

**Mr. Cassidy:** A supplementary question of the Premier: Can the Premier back up the bombast of his threats about what he might do about petroleum prices after the 90-day period with any concrete evidence of any time in the past when the Ontario government has lifted a finger on behalf of the consumers of petroleum products?

**Hon. Mr. Davis:** Mr. Speaker, I guess the hon. member has been away for the past two or three weeks.

**Mr. Sargent:** Where has the Premier been?

**Hon. Mr. Davis.** My recollection is that not too many days ago we imposed a price freeze on petroleum products in this province for 90 days—



**Mr. MacDonald:** That is phoney; that is a hoax.

**Mr. Cassidy:** Never once before; the government has sat idly by.

**Hon. Mr. Davis:** Which is something that the member's socialist colleagues out west haven't had the intestinal fortitude to do.

**Mr. Cassidy:** The government has sat idly by, year after year.

**Hon. Mr. Davis:** It is all political baloney and the member knows it.

**Mr. Renwick:** This is the government House leader's last day here. It is mine too.

**Mr. Speaker:** The hon. member for St. George.

### BLOORVIEW HOSPITAL

**Mrs. Campbell:** My next question is of the Minister of Health. Is the minister aware of the many criticisms of Bloorview Hospital, including the deficiencies in the new building? For example, the elevators are too small, there are no "Hold" buttons, so children can push themselves in, and so forth. If he is aware of it, what does he propose to do about it? If he is not aware of it, would he look into it?

**Hon. F. S. Miller (Minister of Health):** Mr. Speaker, I'll look into it.

**Mrs. Campbell:** Thank you, Mr. Speaker. I recognize the fact that sometimes it's difficult to get down to a knowledge of these things if one is warming the bleachers at a baseball game; but I wonder if the minister could tell this House whether he is concerned that the programmes at Bloorview are custodial in nature rather than rehabilitative and community directed? If so, what does he propose to do about that?

**Hon. Mr. Miller:** Mr. Speaker, I was prompted to rise on a point of personal privilege at the introduction of that second part of the question.

**Mr. Roy:** The minister can't play baseball.

**Hon. Mr. Miller:** I was just kept on the bench in that baseball game for fear of showing up the other players. I want that understood. Secondly, the press gallery agreed that they should win. Isn't that true? I look up above me.

**Mr. F. Laughren (Nickel Belt):** What is the minister's batting average?

**Mr. G. Samis (Stormont):** There's a lot of bench to warm there.

**Hon. Mr. Miller:** Seriously, Mr. Speaker, I will look into the questions raised by the member and, rather than reply to them now, I'll have more information when I talk to her about them.

**Mr. J. E. Stokes (Thunder Bay):** The minister just has to keep his chin up.

**Mr. Laughren:** Fly low.

**Mr. Stokes:** He'll see that butterfly from there.

**Mr. Renwick:** It won't help him to keep his chin up.

### NORTHERN ONTARIO CONSTRUCTION STRIKE

**Mrs. Campbell:** I have a question of the Minister of Labour. In view of the situation which seems to be developing in northern Ontario, as reported in the *Globe and Mail* yesterday morning, could the minister advise what steps he is taking in the matter of this threatened strike; whether he has had his mediators in or what is he doing about it?

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Speaker, I assume the member is referring to the pulp and paper industry. I was speaking to Mr. Dickie in regard to the matter this morning. He tells me the situation up there is major, there's no question of that. A strike would certainly appear to be involved.

**Mrs. Campbell:** We're talking about construction.

**Mr. Reid:** It's a construction strike.

**Mr. R. S. Smith (Nipissing):** The minister is on the wrong strike.

**Hon. Mr. MacBeth:** We are going to do everything we can to get the parties together but, as members know, the Labour Relations Act of this province permits lawful strikes. If people cannot get together by unanimous consent then certainly labour has the right to go on strike and I'm not about to suggest that I interfere with that.

It appears as though there will be a relatively large strike in the paper industry. Our services are available. We are presently doing what we can to get the parties together and will continue to do so, but it is following the normal course, as I said on Tuesday to a

question from the Leader of the Opposition (Mr. R. F. Nixon).

**Mrs. Campbell:** Mr. Speaker, a supplementary: I was referring to the construction labourers in my question. Is the answer the same there?

**Hon. Mr. MacBeth:** Yes, Mr. Speaker, with some limitation. I don't regard the construction situation as quite as large a scene as I do the pulp and paper industry; but, yes, we're certainly working on that one on the same basis.

#### REMOVAL OF SALES TAX FROM AUTOMOBILES

**Mrs. Campbell:** I would, again in the absence of the Treasurer, ask the Premier if it is a fact that the government is refusing to extend the sales tax rebate to foreign-built cars, having in mind the fact of a number of people employed in that industry in Canada whose jobs will apparently be affected by this decision?

**Hon. Mr. Davis:** Mr. Speaker, in reply to the member for St. George, in the absence of the Leader of the Opposition who I assume would ordinarily have asked this question—

**Mrs. Campbell:** He usually does.

**Hon. Mr. Davis:** —the Treasurer met with representatives of the industry yesterday in Peterborough and the position of the government has not changed.

The Treasurer did indicate to the people who were there that we obviously were not unsympathetic to their problems and that we would be prepared to meet with them when they did a more thorough analysis of what they think the potential problem is.

I met personally with a group myself this morning and gave them the same assurance. Of course, Mr. Speaker, we are sympathetic to the potential problem that may be created in particular for the dealers of the imported cars. But it also must be stated that our objective at the same time is to stimulate the production of domestic vehicles in this country. That is the prime thrust of the government's position.

However, as I said, Mr. Speaker, the Treasurer did assure the group that met with him yesterday that we would be prepared to discuss the issue with them in a period of time when there is perhaps some greater amount of statistical data that could relate to their problem.

**Mr. Speaker:** The member for Ottawa East.

**Mr. Roy:** Supplementary, Mr. Speaker. Prior to the cabinet's decision on this, did the Premier have any discussion on the matter with Ontario Hydro? Hydro's vice-chairman, the member for Simcoe Centre (Mr. Evans), said that he hoped the Treasurer of the province would change his proposal to give the five per cent discount on foreign cars as well. His comments were sent out on Hydro letterhead. I wonder if the Premier might answer whether it is a fact that the rebate cheques sent will have the Premier's signature on them? Is that so?

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Who is the member for Ottawa East—Jungle Jim?

**Hon. Mr. Davis:** Mr. Speaker, I can't comment on the first part of the question—and I know the member for Ottawa East is eagerly looking to the gallery, as is his custom, as he's waiting for my answer to the second part of it.

**Mr. Roy:** Just answer the question.

**Hon. Mr. Rhodes:** Where is the whip, Jungle Jim?

**Hon. Mr. Davis:** They have missed the member looking at them the past couple of weeks; or they've missed looking at the member.

**Mr. Roy:** I have been here more than the Premier—and they haven't missed him.

**Hon. Mr. Davis:** I would only say to the member for Ottawa East that to the best of my knowledge my name has not appeared on any government cheques in the past four years.

**Hon. C. Bennett** (Minister of Industry and Tourism): Not for \$15,000 anyway.

**Hon. Mr. Davis:** I don't think that it has—that's subject to correction. Certainly, there is no plan that we would alter that with respect to the rebate cheques. Mind you, I have to say this, if you have not seen my signature it is doubtful that anyone would recognize it anyway. That's totally irrelevant but it's doubtful, it's doubtful.

**Mr. Speaker:** Any further questions?

**Mr. Roy:** The Premier is right.

**Mr. Renwick:** Is the Premier printing any money with his picture on it?

## RENT CONTROL

**Mrs. Campbell:** Mr. Speaker, I have a final question of the Minister of Housing. In view of the fact that this session is now rather well along, would the minister be prepared today to advise the House as to his position—

**Mr. Roy:** Is the minister sitting on tacks down there?

**Hon. Mr. Bennett:** Is the member for Ottawa East being paid \$15,000?

**Mr. Speaker:** Order, please. The hon. member for St. George is placing her question.

**Mr. Deans:** Why is her colleague heckling her so?

**Hon. Mr. Bennett:** It is all he knows how to do.

**Mrs. Campbell:** He is being provoked by the Premier, Mr. Speaker—if I'm being asked that question.

**Hon. D. R. Irvine (Minister of Housing):** I can hear the member for St. George so far.

**Mr. Campbell:** Right. Is the minister prepared at this time to tell the House the position of this government on the matter of rent review?

**Hon. Mr. Irvine:** Mr. Speaker, no I am not prepared to do so at this particular time. I have stated that I hope to be before the House adjourns. I'm not sure whether it will adjourn this week or next week; but in any event the government has discussed the matter very seriously and fully in the last two days. I'm expecting to make a statement very shortly.

**Mr. Deans:** Supplementary questions: Is it true that the government could implement some form of rent review or rent control without bringing in any legislation?

**Hon. Mr. Irvine:** Mr. Speaker, I'm not a lawyer but I would suggest there is that possibility, yes.

**Mr. Deans:** Supplementary question: Is there already any provision in statute to allow the government to implement rent review or control without the House sitting and passing judgement on a bill?

**Hon. Mr. Irvine:** Mr. Speaker, let me determine first of all the terminology of rent review or rent control. In some areas we have a rent review board.

**Mr. Cassidy:** He is playing games with tenants again. He throws dice with people's lives.

**Hon. Mr. Irvine:** We have other places where they have rent control. I would think that rent control would have to have the permission of the House—

**Mr. Cassidy:** There is no sensitivity at all. The people are prisoners of an economic system.

**Hon. Mr. Irvine:** —but I would ask the hon. member to ask the Attorney General, who is quite knowledgeable in those affairs, which I am not.

**Mr. Speaker:** Supplementary; the member for Grey-Bruce.

**Mr. Sargent:** Can we have the minister's undertaking that this will not happen prior to the election; that he will not present some form of rent control as election bait?

**Mr. Roy:** He'll probably give the member an undertaking that it will.

**Hon. Mr. Irvine:** Mr. Speaker, we never worry about elections because we know we are going to win the election anyway. All we want to do is to make sure we do the best for the people of Ontario.

**Mr. Speaker:** Any further questions?

**Mr. Sargent:** This is the last day for all those fellows over there, I'll tell them that.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mrs. Campbell:** Supplementary.

**Mr. Cassidy:** Supplementary.

**Mr. Speaker:** Order, please. I think perhaps it's the turn of the hon. member for Ottawa Centre for his supplementary and then a final one from the member for St. George.

**Mr. Cassidy:** Thank you, Mr. Speaker. Would the Minister of Housing not agree that the single greatest failure of this government over the last four years is its failure to lift a single finger on behalf of the millions and millions of tenants over the province?

Interjections by hon. members.

**Hon. Mr. Irvine:** Mr. Speaker, I think the single greatest failure has been on the part of the NDP in not understanding what really is happening in the Province of Ontario.

Interjections by hon. members.

**Hon. Mr. Irvine:** If there ever was a government in Canada that has done more than



the Province of Ontario in the last few years I don't know where it was.

Interjections by hon. members.

**Hon. Mr. Irvine:** The Province of Ontario has led the way at all times.

**Mr. Renwick:** The minister has just written his epitaph.

**Mr. Speaker:** One final supplementary. The member for St. George.

**Mrs. Campbell:** Yes, Mr. Speaker. I suppose we should commend the minister for his modesty but could the minister, since he now seems to indicate that he can bring this in in the absence of the House—

**Mr. Cassidy:** He has set some kind of a low as minister.

**Mr. Yakabuski:** Has the member for Ottawa Centre got rent control in his building?

**Mrs. Campbell:** —would he tell us by what road he would go to do that? How would he bring it in—by regulations, is that the suggestion? And regulations attached to what?

**Hon. Mr. Irvine:** Mr. Speaker, all I indicated was the government was discussing the supply and demand situation in regard to housing for Ontario. We have taken very definitive action in regard to the supply.

As to the other answer, that will be decided at a future date. I don't expect it will be decided today. How we'll do it will depend on what we decide to do and that will come out in due course.

**Mr. Sargent:** Who is he going to ask?

**Mr. Speaker:** The member for Wentworth.

#### SYNCRUDE AGREEMENTS

**Mr. Deans:** Thank you, Mr. Speaker. A question of the Minister of Energy: Does the minister intend to table the Syncrude agreements?

**Hon. D. R. Timbrell (Minister of Energy):** Mr. Speaker, when the question was raised the other day I said I would consider it and discuss it. I haven't had the opportunity to do so. If there is time in the session—

**Mr. Cassidy:** And he carefully waited until the session ended.

**Mr. Renwick:** Come on, give us the agreement. The minister doesn't have to consider it.

**Mr. Speaker:** The member for Wentworth.

**Mr. Deans:** Thank you. Knowing full well that there is going to be no time from this day on during this session to table the agreements, why is the minister hiding those agreements from the public?

**Hon. Mr. Timbrell:** There is no hiding, Mr. Speaker—

**Mr. Renwick:** Of course he is—\$100 million.

**Hon. Mr. Timbrell:** There is no hiding. I just said I would consider it. I don't know whether the House is rising today or a week today, whenever.

**Mr. Sargent:** Neither does the Chairman of the Management Board (Mr. Winkler).

**Hon. Mr. Timbrell:** If there is time, and my colleagues agree, it will be done.

Interjections by hon. members.

**An hon. member:** Will there be a report before the House?

**Mr. Speaker:** Any further questions?

#### MORTGAGE MONEY

**Mr. Deans:** Could I ask of the Premier, in the meetings already held between the Premier, the Treasurer and chartered banks, insurance companies and trust companies in the Province of Ontario with regard to mortgage money and interest rates, have any agreements been reached with regard to additional amounts of mortgage money being made available? If so, by which banks, trust companies or insurance companies, and at what reduced interest rates?

**Hon. Mr. Davis:** Mr. Speaker, we have had meetings with representatives from the banking institutions, the loan and trust companies and the insurance companies—I don't believe the meetings covered representation from every insurance company, for instance. We put before them the proposal that was outlined in the Treasurer's statement of a few days ago, whereby we were anxious to have additional funding from the private sector—basically, the lending institutions—as part of our programme whereby there would be a mortgage interest rate subsidy. In other words, the proposal is that the lending institutions would go by the existing interest rates and there would be a form of mortgage subsidy which would, of course, be to the benefit of the purchaser of a home.

We outlined to them, in general terms, the objectives as far as the dollar amount was concerned. They are receiving, today I believe, or tomorrow, a more detailed outline of how we see the process—its administration—working. I think it is fair to state, Mr. Speaker, that the impression I gained—and, I believe, the Minister of Housing and the Treasurer did as well—was that the institutions were really quite—at least I was quite encouraged as to their reaction.

Quite obviously there is some degree of homework to be done; they have to assess just what their lending capacities are over the next six or eight months. However, I was quite encouraged by their response and I am optimistic there will be additional funding, but I can't give any amount here as it relates to our mortgage interest subsidy programme because I don't have that information from the lending institutions.

**Mr. Deans:** A supplementary question: Is the Premier in a position to tell us which of these institutions the Premier and the Treasurer have already met with, since the Treasurer said the other day that they hadn't yet met with the insurance companies and the trust companies, only the chartered banks?

**Hon. Mr. Davis:** Mr. Speaker, I assumed the hon. member was familiar with it, because I think I've read it, at least. We met with the loan and trust companies, either the end of last week or beginning of—no, we met with both the loan and trust companies and the insurance companies, I believe, on Monday afternoon. We have met with all three groups.

**Mr. Deans:** At what point does the Premier feel he will be able to make a definitive statement with regard to the amounts of additional funding to be available for housing in the province and what interest rates he is setting? What is the actual interest rate he is discussing with these companies?

**Hon. Mr. Davis:** Mr. Speaker, it can't be simplified in that form. A certain part of it will depend on what date the lending institutions will make available the funding; at what time the application is made by the people seeking the mortgage funds; and what the interest rates are on that particular occasion. As I said to the hon. member, we are sending to them today—or the Ministry of Housing is, I believe, today or tomorrow—shall we say a detailed proposal, partly relating to the administration of the programme, whether it should be administered by the lending institutions or by the ministry. They

already know the rough amount we are seeking and the Minister of Housing could give the member that figure—\$300 million and some, I believe; I forget the exact figure. We will know, I would think, in a very few days the reaction from the various lending institutions and I just repeat that I was encouraged by their response at the meetings.

**Mr. Speaker:** A supplementary, the member for St. George.

**Mrs. Campbell:** Recognizing the fact that homework needs to be done, is there anything the Premier can tell this assembly as to a time frame on which they are working?

**Hon. Mr. Davis:** Mr. Speaker, I think this was stated by the minister and by the Treasurer. We are looking at ways and means to expedite some of the existing proposed agreements under OHAP and we are looking at a time frame—for one aspect of it—of the end of this calendar year and no later than, I believe, March 31. That is the time frame in which we expect the funds to be flowing.

As far as concerns getting some word back from the institutions, I expect we would have it within a week or ten days; perhaps at the latest two weeks.

**Mr. Renwick:** Mr. Speaker, by way of supplementary questions: Specifically, did the Premier and the Treasurer and the Minister of Housing discuss with the life insurance companies the very substantial fall-off in the investment by the life insurance companies in residential house mortgages?

**Hon. Mr. Davis:** Mr. Speaker, we raised a number of items with them. We did point out to the insurance companies that there had been a shift in terms of their mortgage financing from residential to, shall we say commercial or perhaps industrial. I don't think we had it broken down. There is also some shift from new mortgage financing in the residential area to mortgage financing on existing homes.

We pointed out to them that we recognized that, unlike the loan and trust companies which can go into the market and borrow almost daily, the insurance companies—and I'm making no brief one way or the other—are in a somewhat different position in that their cash flow and their funding is available, shall we say on a rather stable but progressive basis. This is why we are consulting with them now, because they go by way of block funding with some of their customers and we were anxious to have this proposal put before them before any commitments were made as to their expenditures in the next calendar year.

That fact was pointed out to them along with others.

It's a question of trying to reassess their priorities. I personally suggested to them that we did not want to discourage commercial or industrial development by any means, but because of the social need for housing and the impact we felt it would have on the construction industry—although there is still the impact if it's commercial or industrial—that was perhaps one area they might look at to resolve what is a problem internally for them, unlike the loan and trust companies and the banks which do have access to—well their amounts are more fluid and they can go into the market; they can sell trust certificates, etc., to accumulate money which the insurance companies cannot.

**Mr. Speaker:** Any further questions?

**Mr. Renwick:** By way of a further supplementary question: Is it not up to the government to indicate to the life insurance companies that the present level of investment in residential mortgages is unacceptable and that even a modest increase in the part of the life insurance companies, of say 10 per cent additional moneys into the residential housing mortgage market, would make a substantial contribution to the relief of the housing industry in Ontario.

**Hon. Mr. Davis:** Yes, Mr. Speaker. I don't recall the 10 per cent as a figure being used, but I did point out to them—I forget the percentages, I don't have the tables here as to the amount going into commercial or industrial—that a shift from there to residential—particularly new residential, not existing residential—could help resolve the problem.

The other point that I think has to be made, and I'm sure it is known to the hon. member is, that mortgages I think, are at about a 72 per cent factor as a percentage of the investment portfolios of institutions. I could be wrong in that figure.

**Mr. Renwick:** Not the life insurance companies.

**Hon. Mr. Davis:** No; but the life insurance companies have a higher investment in mortgages than do the banks, quite a bit higher.

**Mr. Speaker:** Any further questions? I think we have explored this question quite thoroughly and we're running out of time.

#### ACTING MINISTER OF AGRICULTURE AND FOOD

**Mr. Deans:** One question of the Premier, he can probably answer yes or no: Has he

appointed an acting Minister of Agriculture and Food?

**Hon. Mr. Davis:** No, Mr. Speaker, we have not appointed an acting Minister of Agriculture and Food.

**Mr. Deans:** Supplementary.

**Hon. Mr. Davis:** I should clarify that. Under the procedures of the government, and perhaps this isn't known to the hon. members, there is already an order in council, that is always there rather permanently, whereby in cases of illness or what have you, there are, I believe, either one or two other ministers who are listed as the acting ministers for purposes of signing orders in council and so on. But there hasn't been, shall we say, an appointment in the sense of the word that a particular person is acting minister.

**Mr. Deans:** Who is the acting minister?

**Hon. Mr. Davis:** I believe it is the Minister of the Environment (Mr. W. Newman). I don't know whether he is first on the list.

Interjections by hon. members.

**Mr. Speaker:** Order, please.

**Mr. Cassidy:** Does he know?

**Mr. Sargent:** Another \$6,000.

**Hon. Mr. Davis:** I am not sure whether the Minister of the Environment is first on the list; there are two listed. I'll find out for the hon. member who does sign the orders in council.

**Mr. Renwick:** He is fanning himself.

**Mr. Deans:** Yes, I don't doubt that.

**Hon. Mr. Davis:** He doesn't want to assume the problems, I tell the members that.

**Mr. Speaker:** Further questions?

#### MINISTER WITHOUT PORTFOLIO FOR MANPOWER

**Mr. Deans:** Is it true that the Minister without Portfolio (Mr. McNie) in charge of manpower has resigned his responsibilities?

**Mr. Sargent:** He should.

**Hon. Mr. Davis:** No, Mr. Speaker, the hon. member for Hamilton West has not resigned from the cabinet.

**Mr. Sargent:** What has he done?



**Mr. Deans:** Does the Premier have any indication of what the hon. Minister without Portfolio in charge of manpower has been doing over the last six months with regard to the manpower question?

**Hon. Mr. Davis:** Yes, Mr. Speaker, I have some very specific knowledge of what the hon. minister has been doing.

**Mr. Stokes:** Supplementary.

**Mr. Deans:** Does the Premier think it would be possible to share that information with the public and indicate what actions might be forthcoming from the government with regard to the major unemployment problems that confront a great number of people?

**Hon. Mr. Davis:** Mr. Speaker, the hon. minister has been involved, actually, with two policy fields over the past, I believe six or seven months. A fair amount of documentation has been undertaken in terms of the manpower situation—the question of employment; the question of further initiatives, particularly by the federal government in terms of the manpower retraining programmes; the relationship with industry; actually, the documentation is rather full.

**Mr. J. F. Foulds (Port Arthur):** What does that mean?

**Mr. Speaker:** Further questions.

**Mr. Cassidy:** That is a bit hard to believe.

**Hon. Mr. Davis:** Well it is true. The member may not believe it, but it is true.

**Mr. Cassidy:** Well let's see the results from it.

**Mr. Stokes:** Will the Premier indicate who is going to assume the role of a manpower co-ordinator, particularly in northwestern Ontario where we have over 1,500 jobs waiting for people to fill them along with a potential of 15,000 jobs over the next five years? When is the government going to retrain people and provide the necessary infrastructure for these 15,000 people who will be coming on the labour market in the next five years?

**Hon. Mr. Davis:** Mr. Speaker, I don't know that we're thinking of, shall we say a manpower co-ordinator. We know of the potential that exists because of the potentially very significant developments created by the private sector of this province, which the hon. member, when he is not in this House, so enthusiastically endorses, as he did at the cabinet meeting in Thunder Bay.

**Mr. Stokes:** I do it wherever I go.

**Hon. Mr. Rhodes:** Right on.

**Hon. Mr. Davis:** He does? Well I am delighted to hear it. I mean, I can think of platforms where I would like to have him say some of the things he said in Thunder Bay, and I can assure the hon. member that—

**Mr. Stokes:** We think the government should step in when private enterprise abdicates its responsibility.

**Hon. Mr. Davis:** Oh that; I don't want to get into a debate. I can quote the member a few passages where he and his people were ready to move in—like yesterday they were ready to move in!

**Mr. Reid:** Tomorrow starts yesterday.

**Mr. Sargent:** Offer him a cabinet post.

**Hon. Mr. Davis:** Tomorrow; and we start paying for it yesterday or something.

**Hon. A. Grossman (Provincial Secretary for Resources Development):** That is the free enterprise section speaking.

**Mr. Cassidy:** We have been paying for this government for 32 years.

**Mr. Speaker:** Order, please.

Interjections by hon. members.

**Hon. Mr. Davis:** I can only say to the hon. member if he says that the people have been paying for this government—all of us here—for the past 32 years, I just want him to look at just what this province has accomplished for the people in the province in the last 32 years.

Interjections by hon. members.

**Hon. Mr. Irvine:** They are getting great value.

**Mr. Cassidy:** They are not saying that about the Premier out there.

**Mr. Speaker:** Order, please.

**Hon. Mr. Davis:** On a point of order, Mr. Speaker, I know the hon. member opposite was very anxious to find out. Actually, both the Minister of the Environment and the Minister of Natural Resources (Mr. Bernier) are listed as those ministers who can sign orders in council for the Minister of Agriculture and Food (Mr. Stewart).

**Mr. Roy:** Both of them?

**Mr. Renwick:** That's the first time we knew about it.

**Mr. Speaker:** Does the hon. member for Wentworth have further questions?

Interjections by hon. members.

**Mr. Deans:** I have a question of the Attorney General.

**Mr. Speaker:** Do you have another question? We are running out of time. There is indication of many new questions.

**Mr. Deans:** Mr. Speaker, I have only taken 12 minutes. My colleague was asking a supplementary.

**Mr. Speaker:** I realize that.

**An hon. member:** Why didn't the member for Wentworth tell his colleague it was four minutes?

#### OMBUDSMAN

**Mr. Deans:** May I ask the Attorney General if it's his intention to appoint a committee of the House that will come up with the rules and procedures to be used by the Ombudsman; and if so, when?

**Hon. Mr. Clement:** Yes to the first question; and within the next few days to the second.

**Mr. Deans:** Mr. Speaker, since it is evident to all of us that the session ought not to go beyond 10:30 tonight, when does he propose to appoint that committee?

**An hon. member:** The member for Wentworth is driving the girls mad.

**Hon. Mr. Clement:** Within the next few days, Mr. Speaker.

**Mr. Speaker:** Are there further questions from the member for Wentworth?

#### CRIME CONFERENCE IN TORONTO

**Mr. Deans:** I have one final question of the Premier; it's not the last one, but it'll do. Has the Premier received a petition, signed by over 100 people, with regard to their concerns over the Palestine Liberation Organization being permitted into Canada; and if so, what further representation does he intend to make to the federal government?

**Hon. Mr. Davis:** Mr. Speaker, I don't know that I can refer to that specific petition. I

have had a fair amount of correspondence from people who are interested in this particular situation. The members opposite are fully aware of the letter that I sent to the first minister of Canada. I am sure the members opposite are also aware that I have had an acknowledgement of that letter, but I have not had a reply as to what the intent of the federal government is on this issue.

**Mr. Speaker:** The member for Nipissing.

#### RAILWAY RELOCATION

**Mr. R. S. Smith:** Mr. Speaker, I have a question of the Minister of Transportation and Communications. Has there been a decision made on where the moneys will be provided for railway relocation studies in the province? Has he received the recommendations of the Provincial-Municipal Liaison Committee; and if not, when does he expect to receive those recommendations and when is a finalization of the decision to be made?

**Hon. Mr. Rhodes:** First of all, Mr. Speaker, no decision has been made as to the municipalities which will be studied. Secondly, I guess I'd have to say that I haven't received a recommendation from the PMLC. We had asked them to make such a recommendation, as we had committed them to do. They took the names of the eight municipalities that were listed and sent them back to me, asking me to pick them. We haven't done that as yet, because we have now to discuss it with the federal government to see how many municipalities we can study within Ontario and what funds will be available. So no decision has been made as yet.

**Mr. R. S. Smith:** Supplementary.

**Mr. Speaker:** We just have about four minutes left and there are many, many new questions.

**Mr. P. Taylor (Carleton East):** Mr. Speaker, this is the last day of the sitting too.

**Mr. Sargent:** Just add 10 minutes; that's okay.

**Mr. Speaker:** I'll allow the member one supplementary.

**Mr. R. S. Smith:** One short supplementary: The decision is then up to the minister and this government. The PMLC is now out of it. Is that right?

**Hon. Mr. Rhodes:** Mr. Speaker, I would have to say that from the last communica-

tion I have had the PMLC in essence has abdicated its responsibility. They have suggested we make the choice. We cannot make that choice on our own. We will have to discuss it with Mr. Danson, as we have done in the past where we had three-level discussions. We now have to go back and tell Mr. Danson what the situation is—although I am sure he is aware of it—have a discussion with him and then try to select the municipalities.

**Mr. Speaker:** The member for High Park.

#### STAFFING AT PSYCHIATRIC HOSPITALS

**Mr. M. Shulman (High Park):** I have a question of the Minister of Health, Mr. Speaker. Has the minister decided that his new policy of just having one attendant on many psychiatric wings throughout the province is in error? Particularly, is he able to give a statement on the death while on duty, of the one attendant in one of those wings in the London Psychiatric Hospital last week, which was discovered when the next attendant, a Mrs. Jeffrey, came on at the end of the shift? Is there any explanation; and is he changing his policy in view of this tragic incident?

**Hon. Mr. Miller:** Mr. Speaker, I am waiting for a full report.

**Mr. Speaker:** The member for Carleton East.

#### COMPENSATION FOR HOME OWNERS

**Mr. P. Taylor:** I would like to ask a question of the Minister of Housing. Can the minister say whether or not he is considering compensation for those people in the Goulbourn HOME project who could not wait any longer for action on the sodding of their properties and who have gone ahead on their own, at their own expense, to sod their properties? Can he say whether there will be compensation for them now that the resolution of the problem for the other 30-odd homeowners seems to be progressing rather well?

**Hon. Mr. Irvine:** Mr. Speaker, I am very familiar with this particular area as it happens to have some interest as far as I am concerned. In any event, the problem referred to by the hon. member is not as he has explained.

In the first instance, the builder entered into an agreement with the homeowners, but the overall agreement between the Ontario Hous-

ing Corp. and the builder and the owner determined whether there would sodding or seeding. In the master agreement it was determined it would be seeding in this case. I expect that in the future, as far as I know, there will be sodding in all cases, but in this particular case it was seeding. The ones who went ahead have done so properly and those who have not should go ahead right away to seed and make their homes look as good as the other homes are at the present time.

**Mr. P. Taylor:** Mr. Speaker, I don't want to prolong the issue but the minister is wrong.

**Mr. Speaker:** The member for Thunder Bay.

#### TRANSFER OF LAND FOR INDIAN RESERVATIONS

**Mr. Stokes:** I would like to ask a question of the Minister of Natural Resources. Why has it taken his ministry five years to effect the transfer of land from the Province of Ontario to the federal government which would allow the seven satellite communities of the Big Trout Lake Indian Band to get reserve status? Why five years?

**Hon. L. Bernier (Minister of Natural Resources):** Mr. Speaker, I am not aware that it has taken exactly five years. I think the hon. member is aware there have been many discussions both at Ottawa and in the field with the various bands. It is not an easy thing to bring together those various groups of people who have broken away from the Big Trout Lake Band and set themselves up at Sachigo, Muskrat Dam, and a few other places. These things are being worked out. It is my understanding that the surveys have been completed and all we are waiting for now is the paper work.

**Mr. Stokes:** When?

**Mr. Speaker:** The member for Windsor-Walkerville.

#### PUBLIC HOUSING RENTS

**Mr. B. Newman (Windsor-Walkerville):** Mr. Speaker, I have a question of the Minister of Housing, if I could get his attention. In order to assist public housing tenants improve their conditions, and possibly to save sufficient funds to get out of public housing, is the minister considering exempting the spouses' and/or the children's income in calculating the amount of rent to be charged?



**Hon. Mr. Irvine:** Mr. Speaker, I had a policy meeting this morning. In the very near future I expect to have a government statement which will determine the actual facts in relation to the amount of rent paid by public tenants.

**Mr. B. Newman:** A supplementary, Mr. Speaker. Is the minister considering using an income tax formula when a certain amount of the income is exempted?

**Hon. Mr. Irvine:** Mr. Speaker, at this time I can't divulge to the members of the House what we are suggesting. It has to be a matter determined by the government in general; but I say again we are reviewing the present policy and will have it fully discussed. I expect a statement will be issued by myself in the very near future.

**Mr. Cassidy:** The minister will succumb to the industry again.

**Mr. Speaker:** The oral question period has expired. I realize there were several questions yet to be asked and some answers to be given, but they will have to await another day.

Petitions.

**Mr. Foulds:** Let's have unanimous consent to extend the question period, Mr. Speaker.

**Mr. Roy:** Mr. Speaker, can I move unanimous consent for an extension of 10 minutes?

**Mr. Speaker:** No.

Presenting reports.

Mr. R. K. McNeil from the standing resources development committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 111, An Act to amend the Labour Relations Act.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Mr. Good:** Committee of the whole House.

**Mr. Speaker:** Committee of the whole House? So ordered.

Motions.

Introduction of bills.

**Mr. Roy:** Mr. Speaker, I can't get on at any other time, I suppose I will get on under bills.

## PUBLIC HOSPITALS AMENDMENT ACT

Mr. Roy moves first reading of bill intitled, An Act to amend the Public Hospitals Act.

Motion agreed to; first reading of the bill.

**Mr. Roy:** Mr. Speaker, these amendments to section 50 of the Act restrict the right of appeal from the hospital appeal board to the Supreme Court on questions of law. Previously, the right of appeal extended to questions of both law and fact, and the purpose of this legislation is to restrict the incessant appeals by hospital boards, which have unlimited funds; for instance, as in the Schiller case. It would limit their appeals to strictly questions of law.

**Mr. Speaker:** Just before the orders of the day, as is customary when we near the end of a session we read the names of the pages, the young people who have been serving us so faithfully and so well over the last six or seven—in this case, eight—weeks. Many of the young people had to leave earlier because of parental holidays and so on, but we still have a good nucleus here and I want to express our appreciation to them.

For the record, I would like to read their names and where they are from: Stuart Bundy, Toronto; Chris Clark, Windsor; Anne Cresswell, Scarborough; Hugh Duthie, Toronto; Carolyn Egerton, Weston; Peggy Grainger, Chatham; Jennifer Harper, Goderich; Monica Hoefert, Waterloo; Greg Hollister, West Hill; Doug Kissick, Islington; Melanie McCann, Willowdale; Gillian McCulloch, Oakville; Vicki Mitchell, Toronto; Patti Mummery, Burlington; Donald Purser, Lakefield; Paul Reilly, Sault Ste. Marie; Peter Schnell, Scarborough; Stephen Skrilec, Thunder Bay; Bill Slavin, Mississauga; Shelagh U'Ren, Brockville.

Orders of the day.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, just before we proceed, so that all members are informed of the way the balance of the items will be called, No. 9 on the order paper will be called first and then, in committee of the whole House, Bill 108, Bill 100 and Bill 111. The first item, No. 9.

LEGISLATIVE ASSEMBLY RETIREMENT  
ALLOWANCES AMENDMENT ACT

Hon. Mr. Snow moves second reading of Bill 146, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

Mr. Speaker: Does the hon. member for Wentworth wish to speak on this?

Mr. I. Deans (Wentworth): Just briefly.

Mr. Speaker: Yes.

Mr. Deans: Thank you, Mr. Speaker, what I have to say bears on this bill in this way, I think it makes a lot of sense that we should have some form of escalation clause for members who served many years ago and whose retirement allowance is considerably below what they might need for normal day-to-day living in 1975. My concern goes a little further than that. I hope that this is the forerunner of government legislation which will afford to all of the people who ever worked for the government an escalation clause which will be adequate to meet their needs—not just an escalation clause, but an escalation clause that will be adequate to meet their needs.

I also hope that it will become an example for the private sector of the economy, so that they will understand that what may well have been adequate at the time of retirement, very rapidly, given the rate of inflation, becomes totally inadequate. I would be interested to know from the minister in charge of the bill, the hon. Minister of Government Services, when he intends to place before the Board of Internal Economy the formula that will be discussed and adopted or amended by that board for the purposes of the implementation of this escalation clause?

Hon. J. W. Snow (Minister of Government Services): Mr. Speaker, in my statement on first reading of the bill I outlined that formula and what the government's recommendation would be. It is now up to you at your convenience, Mr. Speaker, to call a meeting of the Board of Internal Economy where this can be discussed.

Mr. Deans: On a point of information if I may, I don't want it to go to committee, but will there be a formal presentation made by the ministry to the Board of Internal Economy with regard to the formula and the way in which it was arrived at?

Hon. Mr. Snow: Mr. Speaker, I think it was quite explicit in my statement on Tuesday.

Mr. Deans: We don't deal with the minister's statements.

Hon. Mr. Snow: I don't really feel that it's my position to put forward any decided recommendation. Basically, I am individually prepared to recommend what was in the first report on the Legislature as done by the Legislature commission. It recommended three per cent per year for each year from the member's retirement, up to the end of 1973. As I said in the statement, I would recommend that the 1974 escalation be eight per cent, which was the escalation that has been approved for the public servants and for the teachers of this province. That is my recommendation to the Board of Internal Economy.

My further recommendation, Mr. Speaker, will be that future escalation be on a basis similar to that provided under the Act introduced by the Chairman of Management Board and passed by this House a week or two ago.

Mr. Speaker: The member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Mr. Speaker, I concur in what the minister has introduced here, except that I think there should be an improvement. What does disturb me concerning many of the fellows who have retired in the past is that they retired at an abnormally low rate of income. As a result, the pension provided to them, even with the escalating factor written in, doesn't provide them with the same type of a pension as that of an individual retiring now with the same number of years of service in a similar capacity.

I think, Mr. Speaker, you have to progressively increase the pension allowance to the retirees, so that regardless of when they retire they have a pension equivalent to the individual who retires in the future. In other words, if an individual today is receiving \$3,000 a year as a pension, 10 years from today he would only get \$3,000, plus the various escalating percentages written in, whereas in my estimation he should be receiving a pension equivalent to the pension of an individual retiring at that future date.

I don't think that this is really fair to those who retired some years ago. I can recall one particular individual whose pension allowance was, at the time of retirement, considered fairly satisfactory; but under today's cost of living escalations it is not in keeping with what we, as members of the Legislature, should provide for him.



**Mr. Speaker:** Do any other hon. members wish to speak to this? If not, the hon. minister.

**Hon. Mr. Snow:** Mr. Speaker, replying to the member for Windsor-Walkerville; sure, I guess it would be very nice to go back to every retired member of the Legislature and give them the same pension as those who are going to be retiring in the next month or two or three—or whenever it may be. That would be very nice. But, on the other hand, I don't think that would be very reasonable on behalf of the taxpayers of this province.

**Mr. B. Newman:** Industry does it, Mr. Minister.

**Hon. Mr. Snow:** No, I don't believe they do. Many members are former colleagues who retired some years ago. Some of them are getting escalation, quite considerable escalation now. I realize their pensions are very, very low in some cases. That's why I have brought forward, and the government has brought forward, this bill. The bill is really an enrichment, to a degree, of the recommendations of the Camp commission, which was an all-party commission.

I guess one of the members representing the member's party was on that commission, and is one of the pensioners who's going to benefit from this recommendation—and well he should. But on the other hand, some of the members who retired a number of years ago when the duties of a member of the Legislature involved five or six weeks a year—

**Mr. E. R. Good** (Waterloo North): Those were the good old days.

**Hon. Mr. Snow:** —compared to the time and hours that it involves today, and you are quite aware of that difference, Mr. Speaker.

I am not saying this formula is the end-all, but it certainly does give escalations to some of these who are on very low pensions. There are, I believe, some 41 former members now receiving pensions of one degree or another and 11 widows are receiving pensions. I really feel that if anything some of the widows' pensions are something that perhaps, Mr. Speaker, the Board of Internal Economy might take a special—

**Mr. Good:** And another 41 members over there not on pension who should be.

**Hon. Mr. Snow:** I don't know what the hon. member is referring to but this is something that the board can look at. The bill as we have it allows the Board of Internal

Economy to look at this whole matter and make revisions as they see fit.

Motion agreed to; second reading of the bill.

**Mr. Speaker:** Shall this bill be ordered for third reading?

Agreed.

### THIRD READING

The following bill was given third reading upon motion:

Bill 146, An Act to Amend the Legislative Assembly Retirement Allowances Act, 1973.

**Clerk of the House:** The third order, House in committee of the whole.

### COLLEGES COLLECTIVE BARGAINING ACT

(continued)

House in committee on Bill 108, An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

**Mr. Chairman:** When the committee rose the other evening we had completed section 56, I believe, but before we go on perhaps we might deal with Mr. B. Newman's motion that section 4 be deleted and the following substituted therefor: "Negotiations shall be carried out in respect of all terms and conditions of employment put forward by either party."

**Mr. Minister,** I believe that was discussed, was it not, by the hon. member for Windsor-Walkerville (Mr. B. Newman)? Would you like to reply at this time and comment?

**Hon. J. A. C. Auld** (Minister of Colleges and Universities): That is correct, Mr. Chairman, and I gave in general the situation and the problems that change would create. I have the details with me today, though, and I will give them to the hon. members of the committee.

As I said on Tuesday night, college employees participate in two plans. There is the CAAT pension plan, which has OMERS as trustees, and it is a contributory plan with perpetually guaranteed benefits. In the event that this were to be made negotiable in the sense that was suggested by the hon. member, the government obviously would have to remove the guarantee if the plan were to be negotiable. Otherwise, the government re-



sponsibility for solvency would be inconsistent with negotiators determining the investments.

Of course, as I also mentioned, employees other than members of the bargaining units participate in the plan and there is a consultative committee regarding superannuation composed of all the interested parties, and this was introduced through direct negotiations and is presently operative.

Second, the teachers' superannuation plan covers some CAAT college employees and it is enshrined in legislation and is therefore not negotiable. Section 52(1) of Bill 100 effectively prevents negotiation of superannuation since the Teachers' Superannuation Act prevails, and CAAT teachers, participating in the plan are also effectively prevented from negotiating their superannuation, as I mentioned on Tuesday night, by virtue of section 49 of this bill.

There is further information, but I think that really sums up the reason for the position I'm taking that the superannuation part of section 4 must remain.

**Mr. F. Laughren (Nickel Belt):** Do you have an extra copy of your explanation?

**Hon. Mr. Auld:** Yes. I will send it to you.

**Mr. Laughren:** Good, because the verbal one was not sufficient to clear the cobwebs out of my mind on this issue.

**Hon. Mr. Auld:** It will be well enshrined in Hansard, but I will send you a copy.

**Mr. Laughren:** I admit I don't understand what you just said, but what bothers me is a very uneasy feeling that you're using a bureaucratic method to get around allowing the college teachers to bargain for superannuation.

**Mr. Chairman:** All those in favour of Mr. Newman's motion will please say "aye."

All those opposed will please say "nay".

In my opinion the "nays" have it.

I declare the amendment lost.

Is it the wish of the committee that we stack this with the other amendments?

**Some hon. members:** Agreed.

**Mr. Chairman:** Agreed.

Is there any further discussion on any other section of the bill from section 57 on?

On section 57:

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment to section 57(1)(h).

**Mr. Laughren:** Mr. Chairman, I have a comment on section 57(1)(c).

For some time now, as perhaps the minister will recall during the various debates of his ministry's spending estimates, I've raised the whole question of open budgeting within the colleges, because it seems to me that we will never arrive at a situation in the colleges where the people who are doing the work there feel comfortable or satisfied that the funds allocated to that particular institution are being spent in a proper way until they have access to all the information describing the way those funds are spread within the college.

Section 57(1)(c) states: "It is the duty of the commission . . . to compile statistical information on the professional activities and salaries of employees." It seems to me that we are just perpetuating the same kind of administrative bias that is in the colleges now. What we should be doing is saying: "Let's open up the budgeting within those colleges." That means opening up the budgeting to indicate how the money is being spent within that college; to what extent money is being spent by the upper echelons of the administration; how much is being spent on travel, for example; how much is being spent on public relations; how much money is being spent in all areas of the college. They are public institutions and the information as to how the money is spent should be public.

It doesn't seem right to me that the duty of the commission, as outlined in this bill, should be to compile information only on the employees' salaries and not on what's happening in the rest of the college. You could have a tremendous imbalance of expenditure of funds at the administrative level in the college and, therefore, have a very small amount left over to spread among the employees of the college, the members of the bargaining unit. Surely that is wrong.

Mr. Chairman, if there was more time, I could show you administration charts from some of the various colleges and the tremendous differences in organization in the various colleges across the province. If you look at their organizational charts some of them appear to be tremendously top-heavy and others appear to be very lean and very efficient in their organization. I suspect that's true.

I think that as long as we are compiling information—at least, as long as the commission is compiling information of this nature—it should be given the power and indeed the duty to compile information on all the moneys within the college and all ways in which that money is distributed within the colleges and

not just among the employees in the bargaining unit. I think that's an important distinction.

**Mr. Chairman:** Shall item (c) carry?

**Mr. Laughren:** Mr. Chairman, it is not going to carry until the minister responds and tells us why he won't do that.

**Hon. Mr. Auld:** Mr. Chairman, I'm sorry. I'm informed this matter came up when we discussed the bill with the representatives of the Civil Service Association and at the time I indicated there was authority in the Act and in this section for the commission, if it deems it necessary to assist in negotiations, to get any information—

**Mr. Laughren:** Well, put it in there.

**Hon. Mr. Auld:** —on employees or those not in the bargaining unit. I'm informed it wasn't necessary to amend this and that authority is within the Act. It's partially in subsection (f) and partially in (a) and (b) and it may well be implied in (c).

**Mr. Laughren:** It seems strange you are allowing it to be implied as regards the administrative staff but you are putting it in as a duty of the commission with regard to the bargaining unit staff.

I wasn't kidding the other night when I said the crux of this whole bill was the management bias which shows up in sometimes subtle and sometimes not so subtle ways. We know the minister is fully aware that if there is one area, one level, of education in the Province of Ontario which is elitist and discourages participation of the faculty members and the students in the operation of the institution, it's the community colleges.

To this day we do not have students or faculty members as voting members of boards of governors. All you are doing is perpetuating that kind of system by drawing a very clear line between the administrative staff of the college and the teaching staff. You are wrong; dead wrong.

**Mr. Chairman:** The hon. member for Windsor West.

**Mr. E. J. Bounsall (Windsor West):** Mr. Chairman, I would like to support my colleague from Nickel Belt in his comments. Certainly one of the problems of any institution of education, be it the high school or elementary system where you are dealing with boards—although I think in many cases they are somewhat better—is the transfer of information. It is certainly true at the colleges and universities level.

It is very difficult to determine in either area the information which is germane and important to people whose livelihood is teaching and making that institution work. Here we have a clause in the bill which concerns statistical information on supply, distribution and professional activities and salaries of the employees, something which it is, perhaps, germane to obtain? I'm not too sure this is all that important. I'm not too sure at all to what use this is going to be put.

Certainly, to those employees the suggestion is that, for the college, as a whole, you provide and compile and be able to publish the information on matters relating to the rest of the personnel—that is, the salaries of those excluded under schedules 1 and 2—in particular the allocation of those budgets should be a matter of public concern and certainly of public information. That should be in this bill and that should be a standard procedure which occurs in all the colleges and the universities of this province.

**Mr. Laughren:** Well said.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** Yes, I do support the comments of the two previous speakers. I think everything should be placed on the table so that, as a result of comparison, you can arrive at an equitable solution to sometimes a probably extremely difficult problem.

**Mr. Chairman:** Shall item (c) carry? Carried.

Does the minister have an amendment to item (h)?

**Mr. Bounsall:** I have a few comments on (g) first, Mr. Chairman.

**Mr. Chairman:** All right. The hon. member for Windsor West on item (g).

**Mr. Bounsall:** Mr. Chairman, this is the section which makes it the duty of the commission to determine the manner of conducting and of supervising votes by secret ballot pursuant to this particular Act.

I really don't think it is a proper role of this commission to indicate to the members of the two bargaining agents—in the province-wide nature of their negotiations—that their ballot on a given issue should be secret and it should be supervised. I think the union, the CSAO or the Ontario Public Service Employees Union, is quite capable of conducting its own ballots, of presenting the material that's germane to the ballots which they are being asked to fill out. It is really a bit of an insult



to both categories of employees under this Act to talk about supervision of their balloting and that a secret ballot be taken.

I have nothing, per se, against the taking of a secret ballot, but it should be a decision of the employees at the time. Certainly the conduct of that secret ballot—which I would assume in most cases they would take—is a matter for the employees' organization, and not a matter to be thrust upon them.

If this clause remains in the bill, do I gather that the commission will be paying the cost of the taking of that secret ballot? They should if it remains in the bill, because they are foisting a particular system on the colleges. They are saying it is to be a secret ballot and that the commission is going to conduct it.

Now, maybe I should be a little clearer here. There will no doubt be a hall rented and a ballot taken on any offer, but the commission is going to determine the method of conducting the ballot. If there is any expense involved by the commission in deciding how that ballot is to be conducted—people flying down or other groups getting together, and so on and so forth—that part of the expense should be borne entirely by the commission. It's the government's system that is thrust upon the colleges. Those costs should not be borne by any college or any number of those colleges, or by the bargaining agent representing them.

The other main point: Is the government bearing that portion of the expense that will be involved in its method of conducting that secret ballot when the commission conducts that secret ballot? That's important. That's very important. That's an expense which has been thrust upon them under this system in this Act.

The government should bear that particular cost. The cost of the balloting, the cost of the rental of the hall or what-have-you, would have been done anyway. In the normal course of events it would have been paid by the college group or the particular bargaining agent. But the government's particular and peculiar method of conducting that secret ballot should be paid by and be an expense solely of that commission. I would like to hear the minister comment on that portion and, of course, say yes.

Finally, Mr. Chairman, I would be interested in the minister's comments on how these ballots will be collected and how they will be counted. On the ratification vote on whether employees were to join the CSAO, I believe the balloting was done at each college separately and then the ballots were all brought

together in one location before they were counted.

I would say to the minister that is surely rather an unusual procedure. It should be necessary public information that when you conduct a secret ballot, which might be at all the colleges, under the supervision of the commission and so on, that those ballots be counted at that location. In fact, the results at each location could and should be released as public information.

There could be a delay of some days while all those ballot boxes were collected in one spot in the province and then the ballots counted; it has happened in the past. This seems to me to be quite an unusual and unnecessary procedure, as well as an unnecessary delay, and open to criticism.

Now, I know there probably wasn't any fiddling with those ballot boxes, but we are not dealing with the situation such as an election within one particular city. There, ballot boxes are at various places where it might be possible to get them all in one spot within an hour or two, but have those ballot boxes followed by the people concerned with running the election to the place where they are to be counted and for the counting to start. We are talking in this case, according to the way the last vote was taken, of a matter of days before those ballot boxes are assembled. There was a time delay in that and, of course, by the central method of counting, there was no identification of from which college those ballots came.

I would like the minister to comment on that and I would hope that when this secret ballot is taken and conducted by the commission—for example, on the Council of Regents' last offer—the counting would be done on the various individual campuses and, moreover, the campus-by-campus results announced. I would hope that would be the method of doing is rather than any sort of return to what was just done, the central collection of all these ballot boxes from the 22 different locations in the province.

**Mr. Chairman:** Shall subsection (h) carry? Subsection (g), I'm sorry.

**Hon. Mr. Auld:** In connection with the points raised by the hon. member first of all, I was interested in his comments that the union should carry out the balloting. I am not suggesting for a moment that the CSAO would not carry out a proper secret ballot but I am reminding the hon. members that it is not unknown in the past for there to have been ballots conducted by some organizations which were less than



secret. In fact, I recall one, without specifying it, where it was totally secret; there were two ballot boxes and you voted "yes" in one and "no" in the other.

I think the purpose of this provision is to make it quite clear that justice is being done and justice appears to be being done and that it is a totally non-partisan, perfectly secret, untamperable ballot. As far as the cost is concerned, as the hon. member said, there would be some cost to whoever is doing it. It is not specified in this bill but as the hon. member knows the intention is that the cost, the normal cost, will be borne by whoever calls for the vote, whether it be the union or the Council of Regents. Any extraordinary costs—I must say I don't know what might be entailed; I don't know what might be entailed in extraordinary costs—I assume the commission in its own wisdom and in its work to achieve harmony and settlements, would absorb them.

The third point—I am sorry I have forgotten what the hon. member asked.

**Mr. Bounsall:** Central collection of ballot boxes.

**Hon. Mr. Auld:** Here again, this is not specified and I would assume that the commission will decide, perhaps in the case of specific votes, what is the most efficient and the best way to do the counting and to announce the results. It is again not specified. If it turns out that it is something which is being done and is totally unsatisfactory to either party, I am sure the commission would take that into consideration.

**Mr. Bounsall:** Speaking to the point again—on the last point—you would have no objection yourself, as minister, if on a ballot conducted in all the colleges on a given matter, those ballots would be counted on each college site and the result announced college by college? You would have no objection to that?

I gather what you are saying is this is one of the duties of the commission and the commission will decide this sort of thing. That's quite legitimate if we are going to have this sort of system at all but I am interested in the minister's comments on that. You would not be against the ballots being counted on site—it's under the supervision of the commission anyway—and the results announced site by site?

**Hon. Mr. Auld:** Mr. Speaker, I don't want to make any comments on it for fear somebody would accuse me of trying to bias the commission one way or the other. I think

the section is written so they can use their best judgement on how to go about this and it does not specify in detail how a ballot will be conducted.

**Mr. Bounsall:** You are completely neutral on this topic, as far as your own feelings go? I could have said you have a "couldn't-care-less" attitude but I'll say neutral.

On the other point though, on the financing, my contention is that if rejection or acceptance of a contract is placed before a group of employees, under normal circumstances the employees would rent a hall, some place which is large enough for the facts to be presented, and the balloting take place and so on, and that cost would be borne by that group. This is the normal procedure.

My additional point is the cost under this system, where the conducting of that vote is to be supervised or could be supervised by the commission: That supervision may mean that they phone up one of their friends in Windsor, for example, if there is a vote at St. Clair College, and say, "Would you go out and we'll pay you 10 bucks to see that it is supervised properly," or they may be sending somebody down from Toronto, or there may be travel expenses involved for that person engaged in that part of this Act, in which the commission is taking up its supervisory role in that balloting.

This is a new and different type of provision that does not occur in normal labour relations. It's that part, the cost of the supervision of that ballot, which I'm saying should not be borne by the council if it's a vote that the council has to take of all its boards of the colleges. Nor should that cost be borne by any of the colleges per se or the college administration per se; nor should it be if it's a vote that must be taken of the two different groups in the bargaining process; nor should that cost be borne by the employees individually on the campuses, or their bargaining agent, because it's an additional cost which the commission occurs by deciding the particular method of conducting that ballot.

That's the expense which I see the commission and none other than the commission bearing, over and above the normal costs of renting a hall and balloting, the costs associated with the supervision by the commission. We want to be very clear that that particular cost, this addition to this bill in that regard, be borne by the commission, therefore, and no one else.

**Mr. Chairman:** Does clause (g) carry? Carried. The hon. minister has an amendment to clause (h).

Hon. Mr. Auld moves that clause (h) of subsection 1 of section 57 of the bill be deleted and the following substituted therefor:

(h) to advise the Lieutenant Governor in Council when, in the opinion of the commission, the continuance of a strike, lockout or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lockout or closing of a college or colleges.

Hon. Mr. Auld: I may say, Mr. Chairman, that this is, again, following the amendment to Bill 100.

Mr. Chairman: Does any other member wish to comment? The hon. member for Windsor West.

Mr. Bounsall: Yes, I have a couple of questions of the minister. I wasn't able to attend many of the sessions on Bill 100 because of other labour bill duties elsewhere, so possibly this question has been covered in the discussion on Bill 100: What is the reason for advising the Lieutenant Governor when, in the opinion of the commission, etc., according to this bill, the strike or lockout will affect the completion of a course of study? What then takes place? What do you envisage taking place? What do you envisage the Lieutenant Governor in Council doing in that situation? It's a bit of an unusual section; it involves a little bit of a different duty than all the rest which we give the commission.

The rest of the duties we give the commission are all sort of technical things, the facilitative roles and so on. But this one is a little bit different. They are making some political judgement here. Having looked at a given situation and said, "The students aren't going to be able to complete their courses because of this particular strike or lockout," they have then advised the Lieutenant Governor in Council as to that attitude. It's a different type of decision they are making. They reach the conclusion that it will affect the completion of the course of studies of students and they inform the Lieutenant Governor in Council.

I find the whole arrival at that decision rather an interesting one, rather an unusual one. When they inform you, what is the purpose of that? What do you then do? What does the Lieutenant Governor in Council do with that information?

Hon. Mr. Auld: Mr. Chairman, as I say, this is the same provision in Bill 100 for the

duties of the commission. I don't think the council is making any political judgement. It is making a subjective judgement, I assume, on the effects of a strike or a lockout.

What the government will do on receipt of that report, I don't know; but I think it's quite proper that the commission, which in a sense is really the arbiter, should inform the government as to its opinion of the effects of a strike or a lockout. It doesn't say when they do this; they might not. It would depend on timing.

I really can't speculate what the government would do, because I really don't know exactly what the commission might report.

Mr. Bounsall: The commission reports on whether the strike or the lockout will place in jeopardy the successful completion of the course of studies of the students involved. That's all they are reporting on at that particular point under this section. I strikes me that what you have here is a very political section; it is the means by which the government can say, "We are going to not allow that strike to take place . . ."

Hon. Mr. Auld: Or the lockout.

Mr. Bounsall: Or the lockout, but we know there are going to be more strikes than lockouts, I would think, if there is any of either in this particular situation. They are going to use the commission as the reason by which you are going to come back into the Legislature and force them back to work. You can do that anyway, I know, but this is only there so you can say, "We are not really doing it on our own hook; the commission has recommended it. It's our commission, so we have to support the commission." Rather than seeking another and good way of ending that strike, you are going to be able to use that commission's report as the means by which you force these people back to work, and that I profoundly disagree with.

Mr. Chairman: The hon member for Prince Edward-Lennox.

Mr. J. A. Taylor (Prince Edward-Lennox): Mr. Chairman, I rise in support of the section. I think it makes good sense. The commission is really appointed by the Lieutenant Governor in Council, as I understand it, following the similar provisions of the bill dealing with teachers, Bill 100.

This commission reports on matters of fact and ultimately, if a situation develops where there is the concern and conclusion that students will lose their year because of the



continuing strike, then I think it is the duty of that commission to report as a matter of fact to the Lieutenant Governor in Council, which is the cabinet or the government of this province, with which body the responsibility ultimately rests.

If that means, as my friend no doubt surmises, that special legislation would be necessary to rectify an otherwise insoluble problem, then that's a decision that would have to be made by this government. I further think that at that stage it would be a matter of public concern where all parties would be advised, where the public would be informed and where action would have to be taken. The ultimate responsibility, I repeat, is with the executive council and I think that is where the reporting should be. Accordingly, I support this section.

**Mr. Chairman:** Shall the amendment proposed by the minister to section 57, subsection 1(h) carry?

Motion agreed to.

**Mr. Chairman:** Is there any other discussion on any other section of the bill and, if so, which one?

**Mr. B. Newman:** I have on section 57(2).

**Hon. Mr. Auld:** Mr. Chairman, I have two further amendments to section 57.

**Mr. Chairman:** Perhaps the hon. member will listen to the amendments of the minister before we continue the debate.

**Hon. Mr. Auld:** moves that subsection 2 of section 57 of the bill be deleted and the following substituted therefor:

(2) The commission may request an employer to provide information necessary to compile the statistical information referred to in clause (c) of subsection 1 and an employer shall comply with such a request within a reasonable period of time.

Those last few words are added complementary to the same amendment to Bill 100.

**Mr. B. Newman:** Mr. Chairman, I was going to make such an amendment so we will accept what the minister has said.

**Mr. Chairman:** Does any hon. member want to comment before I put it? Perhaps he can comment and then I will move the amendment if he likes. The hon. member for Windsor West may make his statement and then I will read the amendment.

**Mr. Bounsall:** It is the old argument we had in the debate on the Hospital Labour

Disputes Arbitration Act and those time limits supposedly placed in there. We talked about reasonable times and so on and so forth and there hasn't been that great a speed-up in hospital disputes arbitration under those Acts. At the time we asked the then Minister of Labour, the former member for Stormont, what he meant by reasonable times and from occasion to occasion he was able to give what he meant by it and what he hoped would be a reasonable time. I would like to ask this minister that same question with respect to what he envisages to be a reasonable period of time.

**Hon. Mr. Auld:** Mr. Chairman, I suppose it would depend on what was involved in getting them the information. In some cases it might be two days and in some cases it might be two months. It would depend on what would be involved on the part of the employer to dig out the information.

**Mr. Chairman:** Shall the minister's amendment carry?

Motion agreed to.

**Mr. Chairman:** Is there any further discussion on any other section?

**Hon. Mr. Auld:** moves that section 57 of the bill be amended by adding thereto the following subsection:

(3) The commission shall annually prepare a report on the affairs of the commission for the preceding year and the report should be tabled in the Legislature.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** That is in keeping with the amendment to Bill 100.

**Mr. Chairman:** Does the hon. member for Windsor West wish to comment on the amendment?

**Mr. Bounsall:** Yes. I support this amendment so far as it goes, Mr. Chairman, but it would be much better, and we could have supported this with much more enthusiasm, if you had added the few additional words which found their way into the Workmen's Compensation Act with respect to reporting. Particularly it is important with this new commission and this new method of operation.

The words which would have made me very happy to have seen added to the end of the minister's amendment would be "and the commission shall report annually to a



standing committee of this Legislature," so that the members of the Legislature would be able to query the commission about its operations and about the various bits and pieces which it finds in the annual report of that commission. And, of course, it is a very positive step forward to be able to do that.

There is no suspicion about the operation of the commission. If there has been, the commission chairman and members are there to answer for the various ways it operated, why it operated in a particular circumstance of that nature and so on and so forth. It's a great educational opportunity, on behalf of this commission, for the members of the Legislature and the public to know why it operated in that particular way. I would hope the minister would be as broadminded and enlightened as the former Minister of Labour and accept my suggestion that the commission should report annually to a standing committee of this Legislature.

**Mr. Chairman:** The hon. member for Prince Edward-Lennox.

**Mr. J. A. Taylor:** Mr. Chairman, I rise to support the amendment. I think the fears of the member for Windsor West may be allayed somewhat in that the report will be tabled in the Legislature. That means hopefully it will be available when estimates are considered by standing committee and accordingly can be scrutinized; those persons responsible in any way can be interrogated as is customary in connection with estimates of any ministry. That report would serve that purpose and I believe meet the objections of the members of the House.

**Mr. Chairman:** Shall the amendment carry?

**Hon. Mr. Auld:** Mr. Chairman, I would like to add to what the hon. member for Prince Edward-Lennox said. It is my understanding that a standing committee of this House can call any government agency before it. Quite aside from the point the hon. member for Prince Edward-Lennox made—in my view it really isn't necessary to add this but I will. I don't propose to amend the amendment at the moment but I will consult about that and if it appears it would be necessary, I would certainly consider an amendment the next session.

**Mr. Chairman:** Does the hon. member for Windsor West wish to comment before we carry the amendment?

Motion agreed to.

Section 57, as amended, agreed to.

**Mr. Chairman:** Are there any other comments, questions or amendments to any other section of the bill and, if so, to which one?

**Hon. Mr. Auld:** Section 58, Mr. Chairman.

**Mr. Chairman:** Section 58; the minister has an amendment.

On section 58:

**Hon. Mr. Auld** moves that section 58 of the bill be deleted and the following substituted therefor:

No member or person employed or engaged by the commission shall be required to give testimony in any proceeding under this Act before a court or tribunal with regard to information obtained by him in the discharge of his duties as a member of or person employed by the commission.

**Hon. Mr. Auld:** Again, this is complementary and protects persons employed or engaged by the commission from being required to testify. It is necessary to protect the confidentiality and function of the person concerned.

**Mr. Chairman:** Is there any discussion on this amendment? Shall the amendment carry?

Motion agreed to.

Section 58, as amended, agreed to.

**Mr. Chairman:** Any discussion on any other section of this bill?

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment for section 60(1)(b).

**Mr. Chairman:** Anything before 60?

Section 59 agreed to.

On section 60:

**Hon. Mr. Auld** moves that clause (b) of subsection 1 of section 60 of the bill be deleted and the following substituted therefor:

Notice of desire to negotiate, to make or renew an agreement has been given by either party.

**Hon. Mr. Auld:** Again, this is complementary to an amendment in Bill 100.

**Mr. Chairman:** Any discussion on this amendment? Shall the amendment carry?

Motion agreed to.

**Mr. Chairman:** Any further discussion on any other section of this bill?

**Hon. Mr. Auld:** Mr. Chairman, section 60(1)(c). I may say there are amendments to 60(1)(c) and 60(1)(e).

Hon. Mr. Auld moves that clause (c) of subsection 1 of section 60 of the bill be deleted and the following substituted therefor:

(c) All the matters remaining in dispute between the council and the employee organization that represents the employee have been referred to a fact-finder and 15 days have elapsed after the commission has made public the report of the fact-finder.

**Mr. Chairman:** Any discussion on this amendment? The member for Windsor West.

**Mr. Bounsall:** I think the decrease from 30 days to 15 days is a good move, Mr. Chairman, and we would have no problem supporting that. That is a reasonable, short period of time, 15 days, and we would support that. The only difficulty I have with that—with writing anything like this directly in the bill, rather than the minister stating what is a short time—is the inflexibility it gives. In this case, in effect the fact-finder having completed a report, this is a reasonably short time, but quite adequate for the fact-finder to give it. We would support this amendment.

**Mr. Chairman:** Amendment carried? The member for Windsor-Walkerville.

**Mr. B. Newman:** Mr. Chairman, I simply wanted to make mention that that was in keeping with the amendment to the companion Bill 100.

**Mr. Chairman:** Fine. The amendment is carried.

Motion agreed to.

Hon. Mr. Auld moves that clause (e) of subsection 1 of section 60 of the bill be deleted and the following substituted therefor:

(e) The employees in the bargaining unit have voted, not earlier than the vote referred to in clause (d) and not before the end of the 15-day period referred to in clause (c), in favour of a strike by a vote by secret ballot conducted under the supervision of and in the manner determined by the commission; and

**Mr. Chairman:** Any discussion on this amendment? Shall the amendment carry?

Motion agreed to.

Section 60, as amended, agreed to.

**Mr. Chairman:** Any further discussion on any other section? The hon. minister.

Sections 61 and 62 agreed to.

On section 63:

Hon. Mr. Auld moves that section 63 of the bill be amended by adding thereto the following subsections:

(3) Where the Ontario Labour Relations Board makes a declaration under subsection 1 or subsection 2, the board in its discretion may in addition direct what action, if any, a person, employee, employee organization, council or employer and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or unlawful lockout.

(4) The Ontario Labour Relations Board shall file in the office of the registrar of the Supreme Court a copy of a direction made under subsection 3, exclusive of the reasons therefor, whereupon the direction shall be entered in the same way as a judgement or order of the court and is enforceable as such.

**Mr. Chairman:** Any discussion on this amendment?

**Hon. Mr. Auld:** That is complementary to Bill 100.

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** I have just one comment, Mr. Chairman. I received from the minister a sheaf of amendments on this bill. I don't have that particular one. That came out later, I presume. Do you have any idea where that went, and could we have copies of it?

**Mr. D. M. Deacon (York Centre):** There is a copy here you can have.

**Hon. Mr. Auld:** That was one of the ones that came out on Tuesday.

**Mr. Bounsall:** Came out on Tuesday?

**Hon. Mr. Auld:** I guess it was as a result of the amendments that were made on Bill 100 earlier on Tuesday. You got them, or should have got them, at about 5:45 p.m.

**Mr. Bounsall:** In the House here?

**Hon. Mr. Auld:** Yes; well no, I gave them to the House leader—

**An hon. member:** You gave them to me.

**Hon. Mr. Auld:** —at about 5:55 p.m.

**Mr. Bounsall:** That would be nice to have.

**Mr. Chairman:** Any discussion on this amendment?

**Mr. J. F. Foulds (Port Arthur):** Just wait until he gets a copy, Mr. Chairman. Do you think we are rushing the judgement here?

**Mr. J. E. Stokes (Thunder Bay):** Our list of the amendments is not complete.

**Mr. Chairman:** Any discussion on this amendment? Shall this amendment carry?

Motion agreed to.

Section 63, as amended, agreed to.

**Mr. Chairman:** Any discussion on any section before section 82? The hon. minister.

**Mr. Bounsall:** Before 82? I have one before 82.

**Mr. Chairman:** Section 82 is the next amendment by the minister.

**Mr. Bounsall:** I'd like to speak to section 64.

**Mr. Chairman:** Section 64, right. The member for Windsor West.

On section 64:

**Mr. Bounsall:** Mr. Chairman, it seems rather strange, having introduced amendment after amendment after amendment comparable to those amendments which the committee in its wisdom placed on Bill 100, that the amendment on section 69 similar to the one on Bill 100 was not brought forward here. It is indeed a fine amendment and simply adds the same onus on the employer as has been placed on the employee under section 64. Therefore, if that section is to remain in the Act, and we have just passed section 60, subsection 1(d), that says:

The offer of the council in respect of all matters remaining in dispute between the parties last received by the employee organization that represents the employee is submitted to and rejected by the employees in a bargaining unit by a vote by secret ballot conducted under the supervision [and so on] of the commission. . .

Then the same identical provision should pertain to the employer with respect to a lockout.

**Mr. Deason:** It wouldn't be a secret ballot, though, in that case, would it?

**Mr. Bounsall:** You would have it in public. In that regard, Mr. Chairman, I move an amendment.

**Mr. Bounsall moves that section 64 (1) be amended by adding a new subsection (e) as follows:**

The council shall not lock out or declare a state of lockout to exist or close a college or colleges unless and until the proposal of the employees' bargaining agent in respect of all matters agreed upon by the parties and in respect of all matters remaining in dispute between the parties last received by the council is submitted to and rejected by a vote of all the college boards in public sessions.

**Mr. Chairman:** Is there any discussion?

**Mr. Bounsall:** Speaking to this, in all fairness if you are going to retain that section under 60, this section under 64 should be included. I would suggest that the reason you have it under 60—and I am not at all enamoured of the commission conducting that ballot and that it should have to be a secret ballot and so on—is the suspicion that the employees do not know what the offers have been and that before they take a strike vote and so on or before they engage in a strike all of them are fully aware of the matters remaining in dispute particularly and what has been achieved. That is the reason that I see that in terms of just general informational knowledge, and one might find that hard to argue against.

Therefore, it is only right that before the council gets engaged in lockouts or in some particular situation—perhaps we are talking about only an individual college engaged in a lockout—the members of that board be fully informed as to the matters that are in dispute, the matter that have been settled and be allowed to vote—in fact, must vote—on whether they are going to engage in a lockout with regard to all the matters in the dispute that have been laid before them. It is only right that an opportunity should take place to educate the members of the board thoroughly as to the issues that are dividing the two parties, placed before them by the Council of Regents, who are acting on their behalf as their negotiating agents, before a lockout can be completed.

No one likes a lockout any better than a strike. That action may have to be taken or may be deemed to be appropriate at some point by the Council of Regents, but it's only fair that that decision by the Council of Regents, negotiating on behalf of all the colleges, and all those matters dividing the parties, should be presented to all the members of the boards of all the colleges. There is no reason, at that point, why it



can't be held out in public view. After all, they are a public board and that should be done.

If that's the only aspect that the minister objects to, then perhaps it could be done by secret ballot, as long as we're assured of it. But by simply changing the wording to reflect a 22 colleges-Council of Regents-CSAO situation, this is the same amendment that was passed by the committee outside the House when they were considering Bill 100. It was a good amendment there. It's an even better one here.

I feel that when we are having the Council of Regents negotiating issues on a province-wide basis, and the members of the boards of 22 scattered colleges may not know all the issues involved, they should have a chance to hear each and every one of them and make their own determination as to whether they support the suggestion of a lockout.

In the school board-teacher situation, it's also important, but at least in virtually all cases you're dealing at the local level, where the issues are likely to have been known and thoroughly discussed as the situation has proceeded.

Here, we have a province-wide situation, and in that event it's very important that the information get back to the members of the boards of governors at the various colleges and that they have a chance to say "yes" or "no" before lockout action is contemplated.

**Mr. Chairman:** The member for York Centre.

**Mr. Deacon:** Mr. Chairman, the member for Windsor West brought up this point in this bill because it does seem even more important here than it did in the other bill for the reasons he stated.

Certainly it should cut both ways that people should be accountable. In the case of the faculty, they've got a private, secret thing, and that's important; but where we have public representatives, people who are appointed on behalf of the public, they should be like ourselves, accountable in an open manner and in a meeting open to everyone to see what the arguments and disclosures are.

I hope the minister will agree to this amendment. We certainly support it on this side.

**Mr. Chairman:** Is there any further discussion on this amendment? The member for Ottawa East.

**Mr. A. J. Roy (Ottawa East):** Mr. Chairman, I would just like to support my colleagues on this. I recall that a similar amendment was made to Bill 100, and I say that what we have to keep in mind is that we are dealing with public institutions, responsible to the public; and before we get into a lockout situation, responsibility has to be taken and decisions accepted on a responsible basis.

It seems to me that this type of amendment, like the similar amendment to Bill 100, is the type of amendment that will spread this responsibility so that the matter is fully discussed by the board or council before a lockout does take place.

It seems to us on this side of the House that this is the type of amendment that the minister should accept, as his colleague did on Bill 100. In my opinion, it should be in this bill. As one of my colleagues remarked earlier, we have all sorts of steps prior to any strike action being taken, the purpose being to give the parties full opportunity to have complete discussions and to consider the situation. I think it's a drastic step when we talk about a strike, and I think it's just as drastic a step when we talk about a lockout, especially when we are talking about a college that serves a community.

It seems to me that this is exactly the type of an amendment that any community would fully support in the sense they would be satisfied that before a lockout takes place, that decision has been fully discussed and that the members of the board or council who are supposed to represent all sections of the community in which they sit or which the community serves or which the college serves would have an opportunity to have some idea first of all of what the lockout is about, what the issues are and that before you come to such a drastic decision all matters have been fully considered. I really think, Mr. Chairman, the minister should give serious consideration to accepting this amendment.

**Mr. Chairman:** Is there any further discussion? The member for Prince Edward-Lennox.

**Mr. J. A. Taylor:** Mr. Chairman, I hardly think the amendment is necessary because what the speakers are presupposing is that the board of governors' meetings are not open to the public and that a decision would be made prior to discussion of the entire situation by a meeting of the board of governors.

Surely there is a duty on the part of any board to keep an educational institution

open; that's the purpose for their existence. Any action which would result in a lockout surely would not take place without discussion by the board and, presumably, at a meeting of the board. I would think that procedure would be implicit in any decision to lockout.

I might comment as well that I question whether a lockout really is the reverse of a strike. I know it's the counterpart: If you can strike you have to provide for a lockout but I really wonder how meaningful a lockout is in terms of labour relations negotiations for educational institutions.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Laughren:** Mr. Chairman, very briefly I agree with the previous speaker that before—

**Mr. Foulds:** Oh?

**Mr. Laughren:** I am going to put a condition in this; you can rest assured.

Interjection by an hon. member.

**Mr. Chairman:** The member for Nickel Belt; order, please.

**Mr. Laughren:** When the two of us agree on something, you can be sure it's a conditional agreement.

**Mr. Chairman:** Order, please. Will you address the Chair.

**Mr. G. Nixon (Dovercourt):** There is something wrong.

**Mr. Laughren:** Mr. Chairman, when the member for Prince Edward-Lennox and I agree on anything you can be sure it's a conditional agreement.

I was going to say I agree that before a lockout would occur there would certainly be a meeting of the board of governors. If there is going to be a meeting anyway and if it's going to be discussed in a serious way why not put it in the legislation that it must come to a vote? It doesn't make sense not to have it that way.

I'm not satisfied with legislation this government brings in and says that certain things are implicit in the bill. Quite frankly we have every reason to suspect that kind of argument on the part of the government. We've seen it in action too many times, particularly when it comes to a management-labour dispute. We know what happens and where the government stands.

I would suggest to you, Mr. Chairman, and through you to the minister that before we could accept the bill the way it is now—it's the reason, of course, we have the amendment—we don't see why it should be that different from Bill 100 which requires that action.

**Mr. Chairman:** Any further discussion before the minister speaks? The hon. minister.

**Hon. Mr. Auld:** Mr. Chairman, first of all, of course, there is a very significant difference between the two bills inasmuch as Bill 100 is dealing with negotiations between 200 school boards which are—

**Mr. Laughren:** Why are all your amendments copied from it if it is that different?

**Mr. Foulds:** Don't you think the province should know what is going on?

**Hon. Mr. Auld:** —acting on behalf of local taxpayers as well as the provincial funds which come through the grant structure.

In this case the Council of Regents, as indicated in section 2, subsection 3, is the bargaining agent on behalf of all the boards. The province funds the colleges directly and consequently the Council of Regents does the bargaining. It's quite a different situation.

The section referred to in Bill 100 is obviously required because the local board is the one that sets the mill rate and raises the local funds and everybody should know exactly what is going on. But as far as I am concerned, Mr. Chairman, I'm afraid I cannot accept that amendment, for the reasons that I have given.

**Mr. Chairman:** Those in favour of Mr. Bounsall's amendment will please say "aye." Those opposed will please say "nay."

In my opinion the "nays" have it.

Shall this be stacked with the others?

**An hon. member:** Stacked.

**Mr. Chairman:** Anything now before section 82?

**Mr. Foulds:** Funny that they wouldn't accept a parallel clause.

Sections 65 to 77, inclusive, agreed to.

On section 78:

**Mr. Bounsall:** Yes, section 78.

**Mr. Chairman:** The member for Windsor West.

Mr. Bounsall moves that section 78(1)(c) be amended by adding "76" before "77" in the third line.

Mr. Bounsall: Mr. Chairman, in this Act we have a very fine section 76, one which should appear in any Act regulating employer-employee relationships. The section deals with interference with employee organization being prohibited and interference with employees rights being prohibited.

The problem is that not at any place in this Act do you find a means by which section 76 can be enforced. That's the real problem. Section 76 is a fine one and one can point to that. But what happens if an employee organization is interfered with by the employer, either in the initial organization or with the rights thereto?

Section 78—the one we are on—is the one which allows the Ontario Labour Relations Board to appoint investigators with authority to inquire into complaints that have been made under two other sections. These are 77, which deals with the duty of the employee organizations to represent their employees fairly; and 81, where the rights of witnesses are protected.

This is the appropriate place where these rights should certainly be protected. Certainly, quite clearly in the Act there should be sanctions against an employer doing what section 76 specifically and in some detail forbids the employer from doing—that is, interfering with the organization, or with rights once organized.

It's a bad omission in the bill not to have this covered under this section, which gives the Ontario Labour Relations Board the right to appoint an investigator and inquire into the complaints.

Mr. Chairman: Any further discussion on this amendment?

Hon. Mr. Auld: Mr. Chairman, I would just say that I am informed that no amendment is necessary, because the matter is covered by the general right to prosecute in section 90.

Mr. Laughren: 90?

Hon. Mr. Auld: Yes. I also note that protection against employer interference, as in the Crown Employees Collective Bargaining Act, section 27, and the Labour Relations Act, sections 56 and 58, apply to section 76 and basically to sections 77 and 78. I would reject the amendment, Mr. Chairman.

Mr. Bounsall: Mr. Chairman, I believe the minister shouldn't be taken in by the note

passed to him—in the sense of what that note does indicate. Sure, under section 90 one can be taken to court by a contravention of this Act. But that's the game the lawyers play, you know, of getting into the labour relations field and getting the courts involved in it —

Mr. Laughren: Tell the minister not to let them play those games.

Mr. Bounsall: —when one wants to alleviate, surely in every other way, any actions before the court and find another way of resolving any dispute and looking into any complaints. In normal labour relations that is what the Labour Relations Board does. That's what happens in arbitration boards where, hopefully except in cases of natural justice, bias or jurisdiction, those items do not get to the courts, and the decisions of the Labour Relations Board likewise are only given with some difficulty. The Labour Relations Board is empowered here to look into employee organizations which haven't represented their members fairly, and that is the appropriate body to look into that.

In section 76 they should have the right to look into unwarranted interference in a manner in which it does not find its way to the courts. This is an amendment. The remark that you have made is one that I wouldn't have been surprised to have received in this House had you been a lawyer. Surely you must feel the way most of the non-lawyers feel in this House when it comes to getting things before the courts. There are other and better ways to solve those situations. The best way is to keep them out of the courts.

Mr. J. A. Taylor: The best way is good faith.

Mr. Bounsall: That is going to happen in the entire rest of the bill, with respect to the member for Prince Edward-Lennox.

Mr. J. A. Taylor: You can't beat good faith.

Mr. Bounsall: You sure can't have good faith if there is action under this section.

Mr. J. A. Taylor: Your party wanted to take it out in Bill 100.

Mr. Bounsall: No, we didn't. You certainly can't have good faith if there has been employee interference with employee organizations.

Mr. J. A. Taylor: You have to have faith.



**Mr. Chairman:** Order, please.

**Mr. Bounsall:** Then good faith hasn't pertained there. The member for Prince Edward-Lennox obviously wants to sit next week, Mr. Chairman. The Ontario Labour Relations Board is the appropriate body before which to go. It is the appropriate body to make that investigation, not the courts. Keep them out of the courts, keep that cost down, keep those delays down and keep these matters before the Ontario Labour Relations Board. That's the body that should be making the investigation here.

**Mr. J. A. Taylor:** Then function in good faith.

**Mr. Chairman:** Those in favour of Mr. Bounsall's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Stack this also.

Anything before section 82?

Sections 79 to 81, inclusive, agreed to.

**Hon. Mr. Auld** moves that section 82 of the bill be deleted and the following substituted therefor:

If, in the course of bargaining for an agreement or during the period of operation of an agreement, a question arises as to whether a person is an employee, including a question as to whether a person employed as a chairman, department head, director, foreman, or supervisor is employed in a managerial or confidential capacity, pursuant to clause 1 of the section 1 of the schedule, the question may be referred to the Ontario Labour Relations Board and its decision thereon is final and binding for all purposes.

**Hon. Mr. Auld:** This broadens and reaffirms the power of the Labour Relations Board to review and determine the status of persons excluded from the bargaining unit.

**Mr. Chairman:** Is there any discussion on this amendment? The member for Windsor West.

**Mr. Bounsall:** Of course, Mr. Chairman, on the face of it, the amendment is an improvement over the present section 82 in the Act. I object to the inclusions of the specific persons—chairmen, department heads, directors, foremen and supervisors—as to whether they should be in the bargaining unit. Quite clearly, at the university level persons in the academic sector—chairmen, department heads

and directors, up to and including everything under a dean but including the vice-deans—are clearly defined as in the bargaining unit. These equivalent persons in the college field—the chairmen, the department heads and the directors, for example—are specifically excluded here except for giving the board some discretion. It shouldn't be necessary to have these persons mentioned in this section of the Act because they should automatically be part of the bargaining unit.

On the other side, on the matter of the support staff, here again we are now having increasing numbers of applications before the Ontario Labour Relations Board to certify that persons who are working in a non-managerial but supervisory capacity. There is one there now—the Chrysler foremen from Windsor are presently before the Ontario Labour Relations Board.

This matter should not be before the board. There are other provinces in this country which have deleted the blanket clause which excludes foremen and supervisors under the Labour Relations Act. This should have been done, of course, in this bill so that one can have a determination if you like. What should clearly be in this Act is that all supervisors who are not performing a managerial function, should clearly be in the bargaining unit. I regret, just as much for the support staff, that you have foremen and supervisors per se included in this particular section because I suspect they should all be clearly part of the bargaining unit.

**Mr. Chairman:** Is there any further discussion on this amendment? The member for Port Arthur.

**Mr. Foulds:** I support my colleague from Windsor West because it strikes me that this particular section has not followed the parallel example in Bill 100. In Bill 100, nefarious though it is, only the principals are excluded from two steps of the bargaining unit.

Department heads of departments in high schools, who often run departments as large as those in the colleges—with as many staff and as many students—are given full privileges of the bargaining unit. So are directors of the commercial branches of the schools and directors of the vocational branches of schools. I point out once again the inconsistency of this government's legislation.

It is not applying the same principles of fairness here as it does in the secondary and elementary school sector, nor in the univer-

sity sector as my colleague from Windsor West pointed out, to the people in the CAATs. It's one further item in which the inconsistency of this government is readily apparent because it is excluding people who should rightfully be in the bargaining unit. I regret very much that the minister has let the clause stand even in this modified form.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Laughren:** Very briefly, Mr. Chairman, having taught at both levels—secondary school and community colleges—I agree with what my colleague from Port Arthur says. I believe the line should have been drawn at the dean's level. Deans and above you could exclude from the bargaining unit but certainly not the chairmen of the various divisions.

**Mr. Chairman:** Any further discussion on this amendment?

**Hon. Mr. Auld:** I've one comment. These provisions are really based on the present agreement and in cases of dispute it can be sorted out now by the Labour Relations board.

**Mr. Chairman:** Those in favour of Mr. Auld's amendment please say "aye."

Those opposed will please say "nay."

In my opinion the "ayes" have it.

Motion agreed to.

Section 82, as amended, agreed to.

**Mr. Chairman:** Is there any further discussion on any other section of this bill?

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment to section 93.

**Mr. Chairman:** Is there anything before 93?

Sections 83 to 92, inclusive, agreed to.

On section 93:

**Hon. Mr. Auld:** moves that section 93 of the bill be amended by adding thereto the following clause

(c) The person employed in a position confidential to the Ministry of Colleges and Universities or the Deputy Minister of Colleges and Universities,

and that the remaining clauses be relettered accordingly.

**Mr. Chairman:** Any further discussion on this amendment? Shall the amendment carry?

**Mr. Bounsall:** No, just a minute on this, Mr. Chairman.

**Mr. Chairman:** The member for Windsor West, section 93 (c).

**Mr. Bounsall:** Here you've added a section of the Act which talks about confidentiality with respect to the Minister and to the Deputy Minister of Colleges and Universities and that they're not appropriate to the bargaining agent. In this whole area of colleges and universities, the only thing which is really confidential until they have been reviewed and therefore eligible for release are the marks of the students. Nothing else is confidential. We are talking about employee-employer relations. Perhaps a person who is dealing with and assisting in the material on behalf of the employer in the matter of labour relations is confidential, but nothing else is. Here we have an amendment which allows the minister and his deputy minister to designate which of his staff are in a confidential capacity, when the definition of confidential is far too broad. So what is going to happen is, I suspect, virtually everybody in the ministry or in the deputy minister's office is going to be designated as confidential when there is really no valid reason why they should be.

**An hon. member:** They are confidential now.

**Mr. Chairman:** Is there any further discussion on this amendment? The member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Chairman, I have just one brief comment. The principle embodied in this particular clause is a principle that I think we in this Legislature should object to very strongly. The member for York South (Mr. MacDonald) brought forth a bill about public information. It's been the practice of this government to withhold legitimate information from the public time and time again. We had it in the day-care foofaraw, because the reports on which that decision was based were not made public. It seems to me that in this section—

**Mr. Stokes:** What about tar sands?

**Mr. Foulds:** Well, Syncrude—

**Mr. Stokes:** Even Syncrude.

**Mr. Foulds:** The Syncrude agreement was not made public. It seems to me that that principle is being extended in this bill, and as my colleague from Windsor West points out, I can see the minister indicating that



everybody in the ministry is a person employed in a position confidential to the minister. After all, the office boy who carries the reports from one office to the other could be named, and it just seems to me that the government is becoming unduly paranoid about reports that get to the public, and that the public objects to, and that the government does its best to keep confidential. Both in this legislation and in this clause and in government as a whole, we have to open up the windows of legislation and open up the windows of government and let there be a truly democratic access to public documents and public information. Thank you, Mr. Chairman.

**Mr. Laughren:** Well said.

**Mr. Chairman:** The member for Carleton East.

**Mr. P. Taylor (Carleton East):** Mr. Chairman, I wonder if the minister could take 30 seconds to explain how and where in the domain of the expenditures of public funds in educational institutions there is a need for (a) confidentiality in the first place, and (b) the designation of a body or a person as one being employed in a confidential position. Could the minister just take a few seconds to help us accept this?

**Mr. Chairman:** Before he does, the member for York Centre is next.

**Mr. Deacon:** No, I would like to hear the minister.

**Hon. Mr. Auld:** Mr. Chairman, first of all, I don't think the hon. member opposite can really be serious when he thinks that the minister would even attempt to designate, or would be able to get away with designating everybody in the ministry as his own staff. My own staff is three or four, I guess; the deputy's, I think, is three. It seems to me the reasons for this section are quite obvious—that there can easily be frivolous subpoenas and that sort of thing. You don't subpoena the minister for actions done by, say, a council and that sort of thing; you deal with the people who are actually involved. My advice is that this section is comparable, and that the reasons for it are quite obvious, that it prevents frivolous action. The Labour Relations Board and other tribunals can still get all the information they require from the people who are actually involved in the negotiations.

**Mr. Bounsall:** Are they all confidential?

**Mr. P. Taylor:** I thank the minister for that explanation, and I wonder if he would be prepared to give us a little more protection here by indicating the numbers of persons in each category? In other words, he said there are two or three in his office and two or three in the deputy's office. Why don't we say that right in this clause and indicate who they are?

**Hon. Mr. Auld:** Mr. Chairman, as I say, I don't think it is necessary. It would be impossible. I simply cannot say that a person is confidential because he or she is on my staff, without being able to give some reason. Just look at the estimates, as far as that goes; they show, not by name but by salary, which is easily sorted out, who is in the minister's office and who is in the deputy minister's office.

**Mr. Chairman:** The member for York Centre.

**Mr. Deason:** Is the minister telling us that in terms of this amendment he is thinking of those people who are listed in his office, including the deputy, and not beyond that, as people who are confidential?

**Hon. Mr. Auld:** It is simply the personal staff, the people who would be dealing with confidential matters in the minister's office and in the deputy's office.

**Mr. Deacon:** I think it is quite helpful to know that's what is in the minister's mind here. We have difficulty in understanding the definition of "a person confidential." Should we add something in the definition section to indicate that what is meant by "a person confidential" is the personal staff of the minister and his deputy? As it now stands, there could be many others, as was outlined. That is the concern people have. So often it is easy to just include everybody.

**Hon. Mr. Auld:** I asked this very question myself, and I am informed that is the interpretation any court would take. I don't think it is really necessary to say "as indicated in the estimates," because I am informed that is what it means.

**Mr. P. Taylor:** One point of clarification on this section, Mr. Chairman. At any given point there could be a situation in which the minister would want to prevent someone from appearing in court and giving testimony. What would prevent the minister from designating any person in his entire ministry as confidential?



**Hon. Mr. Auld:** First of all, Mr. Chairman, I guess I would have to get the complement in my office and the funds to pay them—

**Mr. P. Taylor:** That's the point, Mr. Chairman. It says "a person employed in a position confidential to the minister." That could be anyone in the whole department. They are all employed by the minister.

**Hon. Mr. Auld:** I wonder if we can let that stand down for a moment and deal with the last two amendments, which relate to the schedules, while I get a little advice to assure what I have said is totally correct or whether there could be some amendment that ties it more directly to the minister's and deputy minister's staff.

**Some hon. members:** Agreed.

On schedule 1:

**Hon. Mr. Auld** moves that subparagraph (vii) of schedule 1 of the bill be deleted and the following substituted therefor: (vii) counsellors and librarians employed on a part-time basis.

**Mr. Chairman:** Is there any discussion on this amendment?

**Hon. Mr. Auld:** Mr. Chairman, I might say this is an amendment that come about as a result of the discussions we had with the Civil Service Association about the bill.

**Mr. Bounsall:** My question is just for information. What does one mean by "on a part-time basis?" I assume that is something different from 24 hours a week.

**Hon. Mr. Auld:** The question came up that some people working part-time might be working 10 hours and others might be working more, so we agreed we would take out "24 hours" and put in "on a part-time basis, which means anybody who is other than full-time.

**Mr. Bounsall:** Mr. Chairman, this is one of the subsections of schedule 1. I won't place all of the arguments I made the first day we debated. Section 1(f) with regard to schedule 1 and who should and should not be included in it. I refer the minister to the remarks I made at that time and I am sure he remembers them.

I am not happy with schedule 1. I think these could at best be determined by negotiation between the parties. The minister has twice now, heard my thoughts on the inclusion of chairmen, department heads and

directors in the academic bargaining unit and he knows my feeling well.

I will save any remarks for schedule 2 until we get to schedule 2. I really would have thought and would have hoped under the schedule 1 amendments you would have included some phrase which included many of these persons that are specifically omitted in schedule 1 and that are specifically not members of the unit as outlined in schedule 1 to be in bargainable positions. Certainly I would have hoped most of those persons in the initial parts of the bill—the chairmen, department heads and directors—if you insisted upon keeping a list of some sort rather than what you did in schedule 2, would be specifically deleted on the basis of all the arguments I made the first time this came before us on section 1.

**Mr. Chairman:** Is there any further discussion on the amendment. Shall the minister's amendment to the schedule carry?

Motion agreed to.

Schedule 1, as amended, agreed to.

**Mr. Chairman:** Any further comments on schedule 2 or any other parts of the bill?

**Hon. Mr. Auld:** I have an amendment for schedule 2, Mr. Chairman.

On schedule 2:

**Hon. Mr. Auld** moves that schedule 2 to the bill be deleted and the following substituted therefor:

The support staff bargaining unit includes the employees of all boards of governors of colleges of applied arts and technology employed in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff, but does not include foremen; supervisors; persons above the rank of foremen or supervisors; persons employed in a confidential capacity in matters related to employee relations or the formulation of a budget of a college of applied arts and technology or a constituent campus of a college of applied arts and technology, including persons employed in clerical, stenographic or secretarial positions and other persons employed in a managerial or confidential capacity; persons regularly employed for not more than 24 hours a week; students employed in a co-operative educational training programme undertaken with a school, college or university; a graduate of a college of applied arts and

technology during the period of 12 months immediately following completion of a course of study or instructions at the college by the graduate, if the employment of the graduate is associated with a certification, registration or other licensing requirements; a person engaged for a project of a non-recurring kind; a person who is a member of the architectural, dental, engineering, legal or medical profession entitled to practice in Ontario and employed in a professional capacity; or a person engaged and employed outside Ontario.

**Hon. Mr. Auld:** Mr. Chairman, what that amendment does is delete the specific classifications included in the unit and sets a generic description of function that broadens the unit so that similar or related classifications that occur in the future will be automatically covered. The exclusion of persons involved in budgetary matters is confined to those formulating budgets, rather than both their formulation or application as was previously set out in the bill. This amendment conforms to the existing bargaining unit description.

**Mr. Bounsall:** On this schedule 2, let me ask assurance of the minister that the general terms that he has employed in the first paragraph of his amendment does in fact cover everybody that he had outlined under numbers 1 to 27 in his previous outline. It does include all those designated numbers 1 to 27 in the previous schedule—your generalizations in that first paragraph includes them all.

Hopefully, it includes more than those numbers 1 to 27. It's certainly an improvement. It allows titles to change. Various new persons who come into the general categories, therefore become members, automatically, of a bargaining unit, without being numbered or a new category: No. 28, revised and so on.

Again, I spoke at some length on schedule 2 when we were debating clause 1(f), which dealt with the first-mentioned schedule 2 in the bill. My same remarks now apply with respect to foremen and supervisors. I won't go through that argument again, Mr. Chairman; I've made it here today on another section as well.

I am very disappointed the minister did not lead in the field in labour relations, for a change. One might have expected that members of your ministry, dealing in the rarified atmosphere of colleges and universities, might have persuaded him to so do—

to take some real steps forward in the attitude towards who should be part of collective agreements and who should be part of bargaining units. But that has not taken place.

I'm disappointed. I would have hoped that this would have been the case. I can just say that my former remarks all still apply. I think foremen and supervisors, except where they do perform a very definite managerial function, should be part of the bargaining unit.

**Mr. Chairman:** Shall the minister's amendment to schedule 2 carry?

Schedule 2, as amended, agreed to.

**Mr. Chairman:** I believe we have one more amendment to deal with.

**Hon. Mr. Auld:** Yes, it deals with confidentiality, in section 93. I am informed that the incumbent in a position must actually be performing confidential functions. If this is challenged, the fact that he or she was performing confidential functions has to be proven before a court in order to free the party from compellability as a witness. Confidential means confidential to the minister. The court would have the final determination as to who would or would not be employed in a position confidential to the minister. The minister doesn't designate such a person. It would be argued before a court that the witness was not compellable or was compellable.

**Mr. Chairman:** The hon. member for Carleton East.

**Mr. P. Taylor:** Is the minister saying that this means people in his own office and on his own staff, and the same for the deputy?

**Hon. Mr. Auld:** That is what I had said earlier. On the other hand, it would appear that if there is somebody within the ministry whom I have designated to do a specific thing, confidential to me, and I could prove it, that person also would not be compellable.

**Mr. Chairman:** Shall the minister's amendment carry?

Section 93, as amended, agreed to.

**Mr. Chairman:** This concludes the debate on the bill. The Chair understands there have been some conversations among the House leaders. It was agreed that the divisions of this committee at this sitting, on all the bills,

will be deferred until all the bills in committee have been dealt with. Is this agreeable?

Agreed.

### SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT

House in committee on Bill 100, an Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

**Mr. Chairman:** Perhaps before we start to deal with the bill clause by clause in committee, the minister might indicate his intentions on any amendments or changes?

**Hon. T. L. Wells (Minister of Education):** Mr. Chairman, I'd be happy to indicate that to you. I have only two amendments I propose to move. Do you want me to—

**Mr. Chairman:** Perhaps you could indicate to which sections?

**Hon. Mr. Wells:** Section 65 and 69.

**Mr. Chairman:** Sections 65 and 69. Is there any other discussion prior to section 65?

**Mr. Deacon:** Yes.

**Mr. Foulds:** Yes, Mr. Chairman.

**Mr. Chairman:** Does the minister wish to indicate what the amendments might be, for the benefit of the committee, or do you want to deal with them as they come along?

**Hon. Mr. Wells:** I will be happy to indicate them to the members of the committee. I am moving that section 65 of the bill, as amended by the social development committee, be deleted and the following substituted therefor:

(1) A principal and a vice-principal shall be members of a branch affiliate.

(2) Notwithstanding subsection 1, in the event of a strike by the members of a branch affiliate each principal and vice-principal who is a member of the branch affiliate shall remain on duty during the strike or any related lockout or state of lockout or closing of the school or schools.

That, Mr. Chairman, although it took me a little longer than I had hoped, is the exact intent of the sum-up wording which I said was our intent of section 65 in this bill. I think that perhaps this words it a little more clearly than the original section 65.

The other section, Mr. Chairman, is in 69(5)(c). I am going to move that (c) of subsection (5) of section 69 of the bill, as amended by the social development committee, be deleted and the following substituted therefor:

(c) The school in which he is employed is closed pursuant to subsection 4.

It is really just a clarification; I think it is what we meant anyway.

**Mr. Chairman:** Is there any discussion on any section of the bill, and if so, which one?

**Mr. Foulds:** Section 1, Mr. Chairman.

**Mr. Chairman:** Section 1? The hon. member for Port Arthur.

On section 1:

**Mr. Foulds** moves that section 1(h) be amended by deleting the words "other than the principal and vice-principals" in lines 2 and 3; after the word "teachers" in line 2 and before the word "in" in line 3.

**Mr. Foulds:** I have two other amendments, Mr. Chairman, that are related to the same matter in later clauses of the bill. If I could give them now I would be pleased to do so. I await your ruling.

**Mr. Chairman:** These are other amendments that you are going to introduce?

**Mr. Foulds:** Yes, but they relate substantially to the same matter.

**Mr. Chairman:** We listened to the amendments the minister was putting, so we will with you too.

**Mr. Foulds:** Well I would move that section 65 be deleted and the following substituted therefor:

A principal and vice-principal shall enjoy all responsibilities and privileges of membership in an affiliate and shall have the right to take part in a strike vote and a strike.

**Mr. Deacon:** I think I agree with that.

**Mr. Foulds:** That deals with the same matter as in 1(h).

I have a further amendment in section 69(1); that 69(1) be amended by deleting the words "other than principal and vice-principals" in lines 3 and 4; after the word "members" in line 3 and before the word "of" in line 4.

Now taking all those three together, Mr. Chairman, we would deal with the whole



matter of principals and vice-principals, if we could do so at this time. I await your ruling.

**Mr. Chairman:** We have heard the indication, but I think what we should do is we should deal with each section as we go.

**Mr. Foulds:** Well they are complementary and it might speed up the discussion.

**Hon. Mr. Wells:** It would help the members, I think, Mr. Chairman, to know what amendments are coming, but I submit to you that I would feel my amendment to section 65 should come first.

**Mr. Chairman:** I agree.

**Hon. Mr. Wells:** Then we have to decide whether any of the other amendments that have been presented are legitimate amendments to the amendment.

**Mr. Chairman:** Agreed.

**Mr. Foulds:** All right, Mr. Chairman, I would be glad to abide by your ruling and I would like to speak on my amendment to 1(h) if I might.

**Mr. Chairman:** We assume that the other subsections have carried. The hon member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Chairman.

**Mr. Chairman:** Perhaps I should read the amendment before you speak.

**Mr. Foulds:** I think there are a half dozen copies. There are probably enough for the members of the House.

**Mr. Deacon:** I have a complementary one there but I just thought the wording would be a little briefer.

**Mr. Deacon** moves that section 1(h) be amended by the deletion of all words after "teacher" in the second line to "vice-principal" in the third line.

**Mr. Chairman:** The hon. member for Port Arthur had his in first. Does either one of you wish to withdraw your amendment?

**Mr. Deacon:** They're complementary.

**Mr. Chairman:** They're complementary yes.

**Mr. Foulds:** I think they're repetitive, Mr. Chairman, and substantially the same.

**Mr. J. E. Bullbrook (Sarnia):** Then you should be lodging your questions with the official opposition.

**Mr. I. Deans (Wentworth):** On a point of order.

**Mr. Bullbrook:** Never mind the point of order. Wait until I've finished for a moment. The custom of this House is to do that.

**Mr. Deans:** No.

**Mr. Bullbrook:** The custom of the House is to do it. I suggest to you, frankly, you give the official opposition who have prepared certain amendments the opportunity to digest their amendments first.

**Mr. Deans:** On a point of order, the custom of this House and the custom of all Houses is to recognize speakers in the order in which they rise to their feet during the committee stage of any legislation. Therefore, the member who rose to his feet first is the member who moves the amendment. That has been the custom of the House for as long as I have been here.

**Mr. Bullbrook:** I wonder if you would read me your citation on the customs of the House.

**Mr. Deans:** I would like you to give me yours, since you were the person who rose on the point of order.

**Mr. Bullbrook:** I'm saying that if you want me to speak to it, I'll speak to it.

**Mr. Deans:** I'm still on my feet.

**Mr. Chairman:** Order, please. Perhaps the hon. member for Wentworth will speak at the moment, then the hon. member for Sarnia might follow.

**Mr. Bullbrook:** Then don't address questions to me, if you don't want responses.

**Mr. Deans:** Mr. Chairman, without addressing any questions to the hon. member for Sarnia, I would point out that I cannot address questions to the hon. member for Sarnia because he's not able to answer them. The fact of the matter is that, as the procedures of the House have been followed over the period of time that I've been here, as has the member for Sarnia, it has been the member who rose to his feet first and was recognized by the Chair during any debate in the committee stages of any legislation that has been given the opportunity to move whatever amendment he or she had intended to move. I wouldn't want you to set a precedent here today that is completely out of character and out of practice with what has occurred heretofore.

**Mr. Chairman:** If I can review the procedure that I've followed at this point, I had asked if there were any comments, questions or amendments to any section. The hon. member for Port Arthur rose to his feet and indicated that he had an amendment to the section which he indicated.

**Mrs. M. Campbell (St. George):** So did the member for York Centre.

**Mr. Deans:** No, he didn't.

**Mr. Chairman:** I think the hon. member for Port Arthur rose first. I'm not trying to show any preference but as has been indicated by the hon. member for Wentworth, normally the Chair has been recognizing the speakers as they have caught the eye of the Chair. Certainly, it wasn't the Chair's intention to slight any member of the official opposition.

**Mr. Bullbrook:** When you get that type of response, I want to speak to that. In no way am I inferring, sir, that you or any other person who occupies that chair slights anyone. It has become a traditional aspect of the carrying on of the parliamentary process that the official opposition catches the eye of the Speaker and the Chair. That's understood throughout every Parliament.

**Mr. Deans:** If they rise.

**Mr. Bullbrook:** Are you saying I lie?

**Mr. Deans:** I said if they rise.

**Mr. Bullbrook:** I'm sorry. That's the only point I'm making to you.

**Mr. Chairman:** I think this is correct. This procedure is followed in the question period and also in the debates.

**Mrs. Campbell:** That's correct.

**Mr. Chairman:** However, if they didn't catch the eye—and I didn't notice that the hon. member for York Centre had stood—

**Mr. Deacon:** I sort of rose and I saw he was up and I must say I gave up. There's no sense in arguing about it.

**Mr. Chairman:** It certainly wasn't the intention to vary from any parliamentary procedures or slight any member.

**Mr. Deacon:** I'm too modest.

**Mrs. Campbell:** Mr. Chairman, may I just ask this question? In view of the fact that this occurred and in view of the fact that as a result of that you have accepted amend-

ments from the member for Port Arthur in advance of giving the opportunity to the official opposition to move them, may we then take it that we will deal only at this time with the amendment to section 1(h) and not to sections 65 and 69?

**Mr. Chairman:** That's correct. I think I indicated earlier that we were going to deal with them section by section.

**Mrs. Campbell:** Yes, but I take it that will allow the official opposition to put an amendment which can be considered to take priority over the amendment presented by the member for Port Arthur in those cases?

**Mr. Chairman:** I will agree with the hon. member with the reservation, of course, that if the hon. minister has an amendment that would take priority over that, too. I gather that we will deal first with the amendment of the hon. member for Port Arthur.

**Mr. Laughren:** An excellent amendment, too.

**Mr. Foulds:** Thank you, Mr. Chairman. I hope the official opposition has other amendments to bring forward, particularly on clauses 3 and 9, which they feel as strongly about, at this time.

**Mr. Roy:** We had amendments throughout committee.

**Mr. Foulds:** Yes, we had some amendments throughout committee, that's true.

**Mr. Roy:** You weren't running the whole show yourself.

**Mr. Foulds:** You are being very sensitive tonight, aren't you?

**Mr. Roy:** No, just trying to get the record straight.

**An hon. member:** He'll be extra sensitive tonight.

**Mr. Chairman:** Order, please.

**Mr. Foulds:** You are trying to straighten out the record? It is so uneven, is that it?

**Mr. Chairman:** Order, please.

**Mr. Foulds:** Mr. Chairman, let me speak to the intent of my amendment in 1 (h). As I indicated when I rose to my feet it is related to the matters in 65 and 69 (1) as well, and it has to do with the whole business of principals and vice-principals. According to this legislation—and it first comes up in this particular clause — principals and vice-



principals do not have the same rights and privileges as do their colleagues, even though they are members of the same affiliate.

We had many long arguments about this whole matter during the standing committee of the Legislature outside the House. It is indeed a great pity that those debates were not recorded because I, for one, would have been happy to dispense with this stage of going to committee of the whole House, in any event. We probably wouldn't have had the jockeying we've just had because this debate in committee of the whole House is being recorded.

**Mr. J. A. Taylor:** That is the reason; the ulterior motive.

**Mr. Foulds:** I think we could have saved the House about three hours of debate—and most members would have been very happy about all of that—if we'd recorded.

**Mr. M. C. Germa (Sudbury):** Put everything on the record; everything.

**Mr. Foulds:** However, during that debate—it was an excellent debate and an excellent committee outside of the House. We sat solidly, I think, every sitting day and some Wednesdays when the House didn't sit from June 19 until very recently, last Tuesday.

**An hon. member:** Fifty hours.

**Mr. Foulds:** If I may be immodest, Mr. Chairman, during that entire time I think I was absent for no more than five hours.

The most fundamental point which came to us again and again was the point about principals and vice-principals which first raises its head in this sub-clause. Throughout the debate the essentiality of principals and vice-principals was not demonstrated by the minister. Although he has moved in the amendment he has proposed or indicated or foreshadowed to us, he has not moved enough, in our opinion.

I might as well confess my bias, Mr. Chairman. My bias is for working men and women, whether those working men and women are principals and vice-principals or whether they are single parents who have children going to the schools.

**Mr. A. Carruthers (Durham):** Aren't we all?

**Mr. Foulds:** That is one of the reasons I found this particular principle, embodied in this particular sub-clause and in the other sections I indicated, a very difficult one to wrestle with. There was a very powerful argument put forward by the trustees and

by a number of parents about the necessity to keep someone in some of the schools, for single-parent families in particular, for what we call the custodial care, particularly of children in the elementary schools. We argued that surely some other mechanism could be found to fulfil that function.

At the last minute the OTF made a compromise—I think it was proposed by Mr. Richardson on behalf of the OTF—whereby the Education Relations Commission could have designated some or all principals and vice-principals as essential upon application of the school board. Unfortunately that was rejected by the minister. It seems to me that proposal showed the commitment of everybody concerned to the welfare, health and safety of the children. By his unwillingness to accept it the minister indicated the government's willingness to deprive a small group within a larger group—that is, the principals and vice-principals within the teaching profession—of some of the rights of their colleagues.

It seems to me and to this party that to deprive a group of such rights one must have very serious reasons and background. Those reasons and that background have not been given by the government and the government party, and their unwillingness to accept the compromise proposal put forward by the OTF indicates that health and safety in essentiality are not the major basis for their objection.

That's why one must say, reluctantly, that it is included in this for which the minister has indicated he will bring forward later. One must say reluctantly that the exclusion of the principals from the right to strike is a political decision and is inconsistent with the tone, the principles and the objectives of the rest of the bill. It is inconsistent because it takes them out of the process for only one step of the negotiating process. According to the proposal the minister has given us they will be allowed to vote on the strike but they won't be allowed to strike and they will be allowed to ratify any agreement arising out of it.

It is inconsistent also because the bill does not exclude department heads who have some of the same administrative functions as principals and vice-principals. I could read all those into the record from regulation 191 but I will probably do that later.

It seems to me there is a grave danger, Mr. Chairman. Beginning with section 1(h), along with section 65 and section 69(1), these sections unfortunately emphasize the administrative role of principals and vice-



principals and that emphasis will continue and be embedded in their own consciousness and in the consciousness of their educational colleagues, both teachers and board officials, will become the lowest rung on the educational management ladder instead of the highest rung of the educator ladder, that of head teacher.

The second grave danger put to us was that this particular mind set will set in so that eventually, as the trustees admitted to us in committee outside the House was their original objective, the principals will be excluded from the bargaining unit altogether. As I said, many principals and vice-principals and interested citizens talked to us about these sections.

I want to conclude that I suppose the minister has gone as far as he can go, politically, with his own colleagues, with the trustees and with his cabinet. I give him enormous credit for trying. I want to say, on the record, I give him enormous credit for bringing forth the bill he did.

As I said in committee outside the House, this is a good bill. If the sections I have been referring to just now were corrected along the lines I have suggested it could become an excellent bill. It is unfortunate that in the dying days of this Parliament this government misses the ring and brings forth merely a good bill instead of an excellent one. It would have been nice to have been in a Parliament of which all of us could have proudly said, "We had one excellent piece of legislation." Thank you, Mr. Chairman.

**Mr. Chairman:** The hon. member for York Centre.

**Mr. Deacon:** Yes, Mr. Chairman. We certainly support this amendment—it's worded a little differently from our own—because basically we cannot see the reason for principals and vice-principals being treated in a manner which we feel will contribute to the breaking down of relationships with their fellow teachers. In a strike situation it will contribute a distraction from the real issue, which is solving the grievances which caused the strike in the first place.

In our view it will do nothing to help the students in the situation and will just add confusion and do a great deal to split loyalties. I think it will embroil the students in a way which is not helpful at any time and I urge the minister to support this amendment.

I know we have had full discussion on it but I want to be sure the points we made

in committee are emphasized and given further consideration by the government in connection with this legislation.

**Mr. Chairman:** The hon. member for St. George.

**Mrs. Campbell:** Mr. Chairman, I don't want to belabour this and I shall be addressing myself to our amendment to section 65. Of course, if we are to have an amendment in section 65, as we related to both the lockout section and section 65, we have to speak to the principle that principals and vice-principals shall not be schizophrenic under this legislation but rather they shall have full rights up to and including the right to strike.

One of the things which is so important in this particular situation, as was pointed out by many of the speakers at the committee, is that the principals and vice-principals tend to have a moderating effect on the teachers. They are a part of the team in the school. It is vital that teamwork should carry on in the schools because it transcends the one factor of keeping a principal or a vice-principal in a school when there is some question of his or her having something of concern to take care of.

One of the most moving positions taken by the trustees in this situation was their concern for the safety of children. I think that can be resolved without taking these particular steps. May I point out that there are many schools in a clustered situation; you have one principal over several schools. We were advised at the committee, for the benefit of those who weren't there, that some of these schools are as much as 30 miles apart. If one is looking at the question of protection of children in that situation—we were further advised there are no vice-principals in these clustered schools, only one principal and, in each case, a teacher designated as a head teacher—if your concern is for the safety of the children, and as I say, that can be overcome in other ways, surely it is ludicrous that the person who is in the position of a head teacher and who does exactly the same work as a vice-principal should be in the position of being permitted to strike while vice-principals cannot.

I am not suggesting we should extend the exemption to head teachers but rather that we should include principals and vice-principals for the full purposes of their membership in the affiliation. I shan't speak longer on this particular point at this time. Mr. Chairman, but shall indeed enlarge upon it in a later section of this bill.

**Mr. Chairman:** The hon. member for Stormont.

**Mr. G. Samis (Stormont):** Thank you, Mr. Speaker. I want to make a few brief comments. First of all, I agree with my colleague from Port Arthur that essentially this is a good bill. The minister, I think, has moved things forward considerably from the legislation which was attempted almost 18 months ago, and I share the regret of my colleague from Port Arthur that the minister is unwilling to compromise or to bend on this issue.

I don't claim it's an easy one. A variety of good arguments, pro and con, were brought out in committee and the thing that saddens me is that the principals and the vice-principals, first of all, are being denied certain rights their colleagues will have yet they have to work with these colleagues in the same schools. Secondly, I think we're going to have serious problems in certain schools when a strike situation does arise. These people have enough problems coping with the type of society we live in—the militancy of the students; the complexity of the curriculum; the demands of the community and the parents—that to give them this added problem, which will create obvious staff problems in every school in Ontario in the future, I think, is very unfair to the principals and vice-principals.

The amendment proposed by the member for Port Arthur would solve that problem and I regret the minister is unable to support the amendment. I wholeheartedly endorse the amendment, Mr. Chairman.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Wells:** Mr. Chairman, I think that first I should say I cannot support the amendment because the amendment is not consistent with the rest of the bill and the revised section 65 which I have indicated I will introduce when we arrive at that point. I think I will limit—

**Mr. Foulds:** It wouldn't be if you accepted my amendment.

**Hon. Mr. Wells:**—my remarks at this point to what I have just said and make my remarks later, as to the intent of section 65 and the reasons for it—which I think I made very clear and very explicit, although my friends opposite may not agreed with them. I don't think they can say I didn't prove my point. I don't think they proved their point and I will make that argument when I present the amendment to 65. I cannot accept this amendment.

**Mr. Chairman:** All those in favour of Mr. Foulds' amendment will please say "aye."

All those opposed to Mr. Foulds' amendment will please say "nay."

In my opinion the "nays" have it.

**Mr. Deans:** We will stack it, Mr. Chairman.

**Mr. Chairman:** We'll stack the amendment.

**Mr. Deacon** moves that clause 1, subsections (k) and (n) be deleted.

**Mr. Foulds:** Before that Mr. Chairman, I have an amendment to section 1 (l).

**Mr. Chairman:** Would the member for York Centre repeat what section—the Chair was signing the amendment we just stacked. Would you repeat which section you were on again?

**Mr. Deacon:** Yes; that subsection (k) of clause 1 be deleted. I was also going to have a motion that subsection (n) be deleted, but if you have to do it in order I thought that—

**Mr. Foulds:** Yes, take (k) and (n) together.

**Mr. Deacon:** That (k) and (n) be deleted.

**Mr. Chairman:** Your amendment was on the same matter?

**Mr. Foulds:** No, mine is on a different subsection, Mr. Chairman; mine is on (f). It's just that if we take (k) and (n) together, I am quite agreeable to doing that, but I want it understood that (l) and (m) have not gone. Do you follow me?

**Mr. Deacon:** Mr. Chairman, I move this because I feel that this is consistent with our position on the principle of this bill as outlined in the previous amendment that was proposed, and which also will be shown later on in the bill. We do not feel that principals and vice-principals should be segregated in this bill; It's not necessary, therefore these definitions are not necessary.

**Mr. Foulds:** Mr. Chairman, just briefly, I support the amendment put forward by the hon. member, because if the amendment which I suspect he is bringing forward and that we are bringing forward are very similar, these two sections would be redundant. Therefore I would support the move to have them deleted at this time.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment to subsections (k) and (n) say "aye."

All those opposed will please say "nay."



In my opinion the "nays" have it.

Shall we stack this?

Mrs. Campbell: Yes.

Mr. Chairman: Mr. Foulds has an amendment to section 1(l).

Mr. Foulds: Section 1(l), Mr. Chairman.

Mr. Foulds moves that section 1(l) be numbered 1(l)(1) and that the following subsection be added:

1(l)(2) Nothing in 1(l)(1) should be interpreted as prohibiting teachers, either individually or in concert, from withdrawing voluntary extracurricular activities such as, without limiting the foregoing, the supervision of a drama club, stamp club, students' council, etc., but would include in the term "work to rule" the withdrawal of assistance to students requiring extra help with any subject being taken in the curriculum for credit.

Mr. Foulds: I think that if there were two sections in the bill that caused the most debate and the most controversy, it's section 65 and the related clauses — the principal, vice-principal matter, and the whole business of what is called voluntary services. Unfortunately that got caught up here in the definition section in the definition of "strike," because what has happened in this bill is that included in their definition is working to rule, which relates to anything limiting or interfering—"limiting or interfering" are the key words, I believe, of the preamble—"with the operation or functioning of a school programme or school programmes or of a school or schools. . ."

That essentially means that what have been traditionally voluntary extracurricular activities cannot be withdrawn, in concert or together by teachers, without it being defined as a strike. The minister has made his stand very clear on it; he considers that to be a strike and he doesn't want there to be any intermediate sanctions.

There is a second flaw in the bill; that there is no allowance in the bill for all of its good procedures—and the fact-finding and the mediation and so on are good procedures—there is no provision in the bill for any intermediate sanction even after the life of the contract. I am talking about using the sanctions after the life of the contract. I am talking about those instances where the teachers may want to use a rapier rather than a pole-axe to speed up negotiations.

I know the argument has been put that the withdrawal of after-school activities causes more hard feeling among the students and parents than perhaps the disruption of the school curriculum and programme. That immediately makes me think, what a sad commentary on our educational system, and perhaps what a sad commentary on our society, that the emotions surrounding teacher/board disputes—and they have been very few in the past, Mr. Chairman—are aroused as much, if not more, by the withdrawal of a stamp club, a drama club or football practice as they are by the withdrawal of reading, writing, mathematics, algebra, latin and so on.

Mr. Samis: Français.

Mr. Foulds: Thank you. It seems to me that the major thing we want to do and the major aim of this legislation, is to keep the schools open. This is one way in which the legislation is very good; it has devised the collective bargaining process that will keep the schools open more often than perhaps they have even been in the past. It seems to me to be consistent with that principle, and the principle enunciated in the Act in clause 2 to promote harmonious relations between boards and teachers, that it might be valuable to have an intermediate sanction to be used after the contract expires, such as work to rule.

What I am predicting, Mr. Chairman, is that the work to rule definition will, of course, not be used. If people decide to strike they will go all the way, because they are subjected to the same penalties and the same procedures. If you use the work-to-rule definition as a strike in this Act after a certain period of time, you may have to strike anyway. I am afraid that the inclusion of it as a definition—either alone or in conjunction with other things, under the definition of strike and not taking it out and defining it separately as a usable sanction—will mean it is not used at all and our schools will be altogether closed down—closed down altogether, completely, more often than they might otherwise be if we had defined work to rule as a sanction usable after the termination of the contract but not as a strike.

I am afraid teachers will view an infringement on their right to withdraw what have been and what are voluntary services, as an infringement upon some civil liberties, if you like. It will mean that these services, where they are undertaken, will be undertaken on a mandatory basis rather than on a



voluntary basis. We will lose a good deal of the spontaneous goodwill which has been built up in the school system through provision of voluntary services by teachers. What also bothers me—and I hadn't thought of this point until this afternoon—is that it may very well lead to atrophy in what are now called extracurricular activities because there will be less openness for a teacher to take an initiative to start a new extracurricular activity which has not existed in the school before.

**Mr. Samis:** Right.

**Mr. Foulds:** It may be something relatively creative. It may be a little offbeat which the teacher has a great interest in and a dozen or so students have a great interest in but they don't know whether it will work. Let me take a really offbeat example—the collection of Egyptian coins or something like that. If they want to try that and it's tried in three, four or five different schools—

**Mr. Deacon:** That's section 71.

**Mrs. Campbell:** That is covered in the Act.

**Mr. Foulds:** —if they want to try that and then not the individual but the group of them want to withdraw—a group of them; four or five—it comes under this definition because there is more than one person and they are acting in concert.

The example I used in committee came from when I was teaching in Thunder Bay and about eight or 10 teachers got together to decide to put on extracurricular—well, we called them creative drama classes. There were eight of us involved from different schools. If we wished to withdraw after initiating the programme because for various reasons it didn't work out—maybe the organization didn't work out—if the eight teachers wished to withdraw, they would be acting in concert.

**Mr. Deacon:** That was also covered—

**Mr. Foulds:** The principle which bothers me is that they will be inhibited from taking the initiative to start that kind of programme, not that they won't be able to withdraw.

They are covered under 71, as my friends from York Centre and St. George say. The initiative which has been possible in the past, as it is always possible in voluntary things, will somehow be atrophied because there will be a little bit of unease with the legislation and that possibility.

It's that inhibition of the initiative on the part of the teachers to start something new, in a voluntary way, which worries me. I want to say that I hope the minister will relent and accept my amendment because I think section 1 (1) as it is presently defined runs contrary to what is basically the conciliatory nature of the rest of the bill.

Thank you, Mr. Chairman.

**Mr. Chairman:** The hon. member for York Centre.

**Mr. Deacon:** We, in this party, had great misgivings about amending the bill before, especially after the amendments brought in by the minister with regard to 71, but after discussion with my colleagues, we feel this amendment does cover the matters which were of great concern to us with regard to purely voluntary matters which weren't affecting the students' regular curriculum work. Therefore, we certainly would also like to urge the minister to support this amendment as it does really cover the matter which has concerned all of us with regard to this aspect of the legislation.

It's discouraging volunteer work. I know we have had long discussions in the committee as to the liability of teachers if they do withdraw services such as the member for Port Arthur mentioned—a group collecting Egyptian coins or something like that. I think the counsel for the ministry gave us an explanation that this wouldn't be a problem, but this would certainly clarify it. Maybe the language has to be shaped up a little bit legally, but it covers the intent and the understanding, as far as we have, of what we want to achieve here.

We don't want to discourage voluntary activity. We don't want to hurt the students whatever happens by the definition of work to rule. We feel that anything that would affect the curriculum and the studies of the students in that way would definitely constitute a strike if it's done in concert.

But at the same time, we don't think that we should be interfering with the right of those who have volunteered to do something to withdraw their services and do it in concert, if it doesn't affect the students actual curriculum work.

**Mr. Chairman:** The hon. member for St. George.

**Mrs. Campbell:** Mr. Chairman, I'll be brief. We had a long discussion on this matter, and it was quite clear that we were concerned about inhibiting of any voluntary services.

The whole fabric of our society, it seems to me, must continue to encourage the voluntary acts of people in the community.

As the member for York Centre has said, we believe that section 71—the amendment which was brought in by the minister—covered it for the individual teacher. After our discussion as to what would happen in the case of a group, it seemed again that the matter of good faith would, of itself, correct the situation. However, as my colleague has said, we are prepared to support the amendment for the reasons given.

**Mr. Chairman:** The hon. minister.

**Mr. B. Newman:** Mr. Chairman.

**Mr. Chairman:** The hon. member for Windsor-Walkerville.

**Mr. B. Newman:** I wanted to make a few comments. But before I make my comments, I realize that this has been well discussed both on second reading of the bill and also in committee.

The area that does disturb me most, Mr. Chairman, is the fact that a teacher going into the profession now, with a clause such as is presently in the bill, would very seriously think of not engaging in any extracurricular activities for the fear that the withdrawal of his services, combined with other of his colleagues who may withdraw their services at the same time, may be considered in the eyes of the legislation as being a strike.

Now, I'm not only concerned with the fact that we will discourage the volunteer teacher to engage in the development of additional programmes after school hours that may add to the well-rounded educational betterment of the student, Mr. Chairman, but that by the amendment you are actually discouraging the volunteer teacher. Or you're going to have a condition arise where the teachers are going to request that their extracurricular activities be paid for, and you're going to be adding to the overall cost of education.

I would hope that the minister would seriously reconsider the amendment as proposed and accept it.

**Mr. Chairman:** Any further discussion? The hon. member for Stormont.

**Mr. Samis:** Mr. Chairman, I rise in support of the amendment. I think that the main benefit and value of this amendment, as just alluded to by the member for Windsor-Walkerville, is that if a teacher does get involved in voluntary or extracurricular activi-

ties, there won't be any cloud of suspicion, doubt, hesitation, or any possibility of alienation from the staff or anyone else in the possibility of a conflict or dispute.

I think the amendment should be supported. It continues the tradition that we have in this province of teachers getting involved because of their interest in the particular activity, the subject, the endeavour, or their genuine concern for developing the student's overall personality beyond the confines of the classroom. I think this amendment continues that tradition and deserves support.

**Hon. Mr. Wells:** Mr. Chairman, first of all I want to say, and has been already stated, we went over this ground very extensively in the committee, I want to say very emphatically that there is nothing in this bill that discourages voluntary activities by teachers or the development of extracurricular activities. I believe that the initiative to develop new activities will occur just as it is occurring in the schools across this province. This will not have any effect on that.

What we have here is a bill concerning collective bargaining between teachers and school boards that is breaking new ground in the public sector. In breaking that new ground we are pioneering some new methods in this bill. One of those methods or differences from existing legislation is in the definition of "strike"; the definition of "strike" here includes "work to rule."

The real question that must be asked is, why does it include "work to rule"? It includes "work to rule" because this technique has been used as a bargaining tool against various boards, over the past few years in particular, with fairly severe effects.

I would submit to the members that if anyone was concerned about the effect on voluntary services, they should have really been concerned at the time that the work-to-rule technique was first used very extensively as a bargaining weapon in this province. I don't know about the experience of some of my friends in this House, but I have found, from teachers I have talked to in areas where this bargaining technique has been used, that it is usually the teachers who don't do the voluntary services who vote 100 per cent for working to rule, while those who volunteer their services would rather that this technique were never used as a bargaining tool.

That would be my position. I would rather that it never be used. I must say that the member for Port Arthur probably



has been the only honest one in the House when he suggested that we amend this bill so that it can be used as a minor sanction, because that is really what we are talking about here; we are not talking about the discouragement of voluntary services or anything like that. That, I would submit, is a red herring in this particular matter. We are talking about a technique that has been used as a bargaining tool or a bargaining sanction. I guess the difference between my opinion and that of my friend from Port Arthur is that I view it as a major sanction, while he views it as a minor sanction that perhaps should be used under some different context than what we lay out in this bill.

Our submission is that the work-to-rule technique that has been used in the past, particularly in the past two or three years in this province, has caused major disruption in the school systems where it has been involved. It has caused an alienation between parents, students and their teachers—an alienation as serious as an actual strike, according to my discussions with these people. Therefore, in developing this bill we would have been irresponsible if we hadn't come to grips with this problem.

In the bill we have defined this particular sanction, along with the others, in a different type of definition of strike. We do not ban working to rule, we do not forbid its use as a bargaining sanction, but we say in this bill if it is to be used it must be used after the procedures of this bill have been followed. That means having had a fact-finder, having had a vote on the last offer of the teachers, and having had a vote to go to strike. It is then possible for work-to-rule sanction to be used and then for the teachers to move to a full strike if they wish.

In order to guarantee to the teachers of this province that we are not in any way attempting to interfere with the individual rights of a teacher to withdraw his voluntary services, we inserted amendment (b) to section 71, which says: "Nothing in this Act precludes a teacher from withdrawing a voluntary service in good faith on an individual basis." I think that, together with the amendment to section 69(5), which provides that if teachers use the work-to-rule technique as a bargaining tool or sanction, they are still entitled to be paid by a board unless a board votes to lock those teachers out, which a board does have the right to do under this legislation.

I think these correct some of the minor flaws in our first draft of the bill. Therefore,

Mr. Chairman, I can't accept the amendment. I think the section should stay as it is.

**Mr. Foulds:** I have just two quick points if I might underline them. I want to put it clearly that I do view work to rule as a legitimate sanction. I do see it only being legitimately used as a sanction after a contract has expired. I also want to say that I do see it as an intermediate sanction not having the full effect of a total work stoppage and closing down the school. That's where I disagree with the minister and that's why I think it should not be defined as a strike. I don't want to repeat all the arguments which I have already made.

One other point: The minister may say—and he has, I am willing to grant him, a certain amount of validity on his side when he says—that the business about voluntary services is a bit of a red herring. It is only a bit of a red herring because the reality is—and we have to deal with realities and their effect upon the perceptions of people out there in the province—that a large number of teachers genuinely feel inhibited about volunteering for extracurricular activities next year. That's very widespread throughout the entire province. A number of them have already written their boards indicating that they will not volunteer for extracurricular activities next year until the whole matter is sorted out.

It does seem to me that this section has had that inhibiting factor on people volunteering. It may work itself out in two or three years, but I know it is a perception that teachers have out in the province. There may be a lessening of those extracurricular activities.

**Mr. R. S. Smith (Nipissing):** It should be on the bargaining table.

**Mr. Foulds:** It may not only be on the bargaining table but it may wither. There's a danger of it withering and dying and not occurring and we will simply have 9-to-5 schools.

**Mr. Chairman:** Do you want to reply to that?

**Hon. Mr. Wells:** I will again emphasize the point that I made. If my friend is worried about 9-to-5 schools, which I certainly wouldn't want to see and I know he wouldn't want to see, somebody should have thought about this when the whole idea of work to rule was developed as a bargaining sanction. We've got into this particular situation now, and as I say, my submission is



that it's as serious a sanction as a strike. The disruptive effect that it can have on the educational system is serious. Therefore, I think it must remain as part of the general definition of a strike.

I would just like to say that I have indicated that if this was a concern to the various teacher groups, if we could work out some agreement that would have some legal status so that it could be completely wiped out as a sanction, then we could take it all out of the bill. But no one has come forward with any offer to suggest that that could be done.

**Mr. Foulds:** One final point, if I might, Mr. Chairman. The fact is when it has been used in the past it has been used without the benefit of this bill which regularizes teacher-board negotiations. It regularizes them in a way that it hasn't before.

**Hon. Mr. Wells:** That's my whole point.

**Mr. Foulds:** You should have taken the step to define it as a sanction to be used at the determination of the contract since basically the disruption really occurred when it was used before a contract expired. The minister and I agree on one point; we agree that it should be able to be used as a sanction. He wants to call it a strike and give it that full status. I want to see it as an intermediate one. We've argued it through before and that's all I have to say, Mr. Chairman.

**Mr. Chairman:** The hon. member for Nipissing.

**Mr. R. S. Smith:** Mr. Chairman, I don't want to be drawn into the argument but I would just like to make out one or two points. I agree with the member for Port Arthur that we may well have 9-to-5 or 9-to-4 schools because of this section. But also I can foresee under section 9 that it is going to be one of the things that is going to be put on the bargaining table rather quickly. The cost of providing extracurricular services is going to be an additional cost to the taxpayer in this province.

So there are two things: First of all there is the curtailment of services that will follow until it becomes a bargainable thing and is put on the table. Then, of course, the school boards will have no other alternative under section 9 of this bill but to bargain with the teachers on that basis of extracurricular activities. The costs are going to come back on the taxpayer. In the interim, however, the costs are going to be to the student, who is going to lose out greatly.

**An hon. member:** That's right.

**Hon. Mr. Wells:** Mr. Chairman, I'd like my friend to try and explain to me where there is going to be any loss of activities. The only loss of activities will be if those whom this bill has been brought in and is being passed for, choose to not act in good faith. Because I submit there is nothing in this bill that suggests anything different should happen when school opens in September than has been happening last year or the year before, insofar as extracurricular activities and voluntary services are concerned—not one thing.

**Mr. R. S. Smith:** There is no legislation, Mr. Chairman, to cover any type of voluntary services outside of what's in this bill. So what's in this bill is the only mention of extracurricular services in any type of legislation. Because of what's in this bill, there is going to be a change in attitude of the teachers towards extracurricular activities, and the minister fails to understand this.

**Hon. Mr. Wells:** Mr. Chairman, I don't fail to understand it; I would just be very sorry and saddened if that kind of thing happened, because it doesn't have to happen.

**Mr. Deacon:** Well, you are asking for it.

**Mr. R. S. Smith:** Well take it out of there.

**Hon. Mr. Wells:** The teachers have got a great advance in this bill. I would be very saddened to think that, having this piece of advanced legislation, they would take that picayune point and choose to act in bad faith on that point. I'll tell you one thing: I have more faith in them than you, because I don't think they will act that way.

**Mr. Chairman:** All those in favour of Mr. Fould's amendment please say "aye."

All those opposed say "nay."

In my opinion the "nays" have it.

**Mr. Foulds:** Stack.

**Mr. Chairman:** Stack; agreed?

Agreed.

**Mr. Chairman:** On section 2.

**Mr. Deacon:** Section 60.

**Mr. Chairman:** Does any member have anything for section 65?

**Mr. Deacon:** Section 60.

**Mr. Chairman:** The hon. member for York Centre. Do all previous sections, except those

with amendments to be dealt with, carry up to that point?

**Mr. Foulds:** No, Mr. Chairman, I want to speak briefly on section 9.

**Mr. Chairman:** Section 9; the hon. member for Port Arthur.

**Mr. Foulds:** I don't have an amendment, but I want to speak briefly on it.

**Mr. Carruthers:** Don't you want to speak on section 3?

**Mr. Foulds:** Did you want to speak on 3?

**Mr. Carruthers:** No, I thought you wanted to speak.

**Mr. Foulds:** I'm surprised there haven't been any speakers on sections 3 and 9 before, because these are the sections that deal with management rights.

**Mr. Laughren:** Wasn't Mr. Carruthers a principal at one time?

**Mr. Chairman:** Section 9 of the bill; the member for Port Arthur.

On section 9:

**Mr. Foulds:** Thank you. I am quite surprised that the member for York Centre hasn't brought forward his amendment from committee—his management rights clause—

**Mr. Laughren:** Yes, what happened to that?

**Mr. Foulds:** —that added the words "shall not contain any terms regulating the selection of teachers, administrative instructional duties of the teachers, the nature and quality of the instructional programmes, and the hours of school in the school year."

**Mr. J. A. Taylor:** Is that your amendment?

**Mr. Foulds:** No, that was not my amendment. That was the amendment of the member for York Centre. I'm surprised it hasn't been brought forward to keep the balance that the Liberal Party has always tried to do with this bill.

**Mr. Chairman:** Would you like to combine it with section 9?

**Mr. Deacon:** Have you an amendment for it?

**Mr. Foulds:** I have no amendment. I just wanted to say that luckily the government and our party defeated that amendment in committee outside the House.

**Hon. Mr. Wells:** It was never put to a vote.

**Mr. Chairman:** Shall section 9 carry?

**Mr. Laughren:** We've saved Ontario from the Liberals again.

**Mr. Chairman:** Anything before section 60?

**Mr. Foulds:** I have a more serious thing on section 53, Mr. Chairman.

**Mr. Chairman:** On section 9, the member for York Centre has the floor.

**Mr. Deacon:** I certainly have been concerned with—

Interjection by an hon. member.

**Mr. Deacon:** On 53? Okay, I want to make the comment that with regard to section 9 and management rights, there were things which concerned me, as they concerned other members of this House. The reason I withdrew my amendment was that we could not come to a definition of management rights which really covered the situation properly. In the end we were persuaded that the minister's feeling that it had to be wide open was a correct one.

**Mr. Chairman:** Is section 9 agreed to?

The member for York Centre—was it section 60?

**Mr. Deacon:** Yes, section 60.

**Mr. Chairman:** Does any member want to speak on any section before section 60?

**Mr. Foulds:** Section 51.

**Mr. Chairman:** On section 51, the member for Port Arthur.

Do all those sections up to 51 except those which have amendments, carry?

Sections 9 to 50, inclusive, agreed.

On section 51:

**Mr. Foulds:** I have an amendment to section 51, Mr. Chairman.

Mr. Foulds moves that section 51(b) be amended by adding the words "or the first day of January" in line 2 after the word "September" and before the word "in"; and that section 51(c) be amended by adding the word "on on the 31st day of December" in line 1 after the word "August" and before the word "in."

Mr. Foulds further moves that these amendments apply mutatis mutandis to the remainder of the Act.

**Mr. Foulds:** I wanted to speak very briefly. For the chairman's benefit the latter phrase I learned—I must say I have learned many things; you pick up a lot. It's a very educative process going through education Acts for the Legislature and picking up things like my colleague for Nickel Belt does.

**Mr. Laughren:** Good thing you added that.

**Mr. Foulds:** The phrase simply means that those necessary sections in the remainder of the Act be changed.

What I am trying to do in this amendment, Mr. Chairman, is to add some flexibility so that contracts, instead of being locked in merely to the end of August, could be at the end of the calendar year as well as the end of the school year. I don't think anybody in Ontario is really going to go to the stake over this principle but there is a serious consideration, which I expressed on second reading and which I have for the immediate future. That is twofold. If we allow the flexibility of contracts ending at the end of August or the end of December there is a possibility that negotiations could reach an agreement on an 18-month contract, say where they couldn't on a one-year or two-year contract. The flexibility should be allowed to the negotiators for both parties if they want to agree to that.

The second reason I put forward this amendment, and spoke on second reading on this point, is that it really does seem quite serious to me that at the beginning of September, 1976—that is, a year from this coming September—every single contract in Ontario, between boards and teachers, according to this legislation, will be up for renewal. There are something like 200 boards—we cut the number down for various reasons—but in terms of contracts with their secondary and elementary teachers, there will actually be between 300 and 500 agreements that will be up for renewal of September, 1976. It is to be hoped that very few of them will get to the crisis stage, but with this bill they will need fact-finders, mediators and conciliators, and you are going to put enormous burden on the Education Relations Commission staff and its structure.

It seems to me there is a possibility—I hope it's remote—that the bill itself, and the Education Relations Commission in particular, runs the grave risk of being discredited in September, 1976—not through any fault of principle in the bill; not through any fault of capability on the part of the personnel of the Education Relations Commission,

but simply because the Education Relations Commission may very well be overburdened with work that they can't cope with in the three or four months leading up to September and the two or three months after. There may very well be a breakdown there that could be avoided, not only in 1976 but in future years, if this flexibility were allowed.

**An hon. member:** Good point.

**Mr. Chairman:** The member for York Centre.

**Mr. Deacon:** Mr. Chairman, perhaps I made a faux pas in the introduction of my amendment to section 9, where I couldn't get something that would work.

This amendment, I think, would not contribute to orderly negotiation. We feel very strongly that the idea of co-conterminous negotiations right across the province is a beneficial thing, and we certainly want to support the minister in this particular section. We also feel there are great advantages to the students and that there is little likelihood of the commission not being able to cope with the situation because there will be bargaining all across the province. At the same time, there will not be the tendency to whipsaw that we might see otherwise. I am certainly pleased the minister is deciding that if there is going to be a termination of a contract, it should be right at the beginning of the school year and not part of the way through it. I am sorry we cannot support the member's amendment.

**Mr. Chairman:** The hon. member for Nickel Belt.

**Mr. Laughren:** Mr. Chairman, if I might, I continue to be amazed at the flexibility of the member for York Centre. It was just on Tuesday night, when we were debating the college teachers' negotiation bill, that the member for York Centre supported the amendment we put forth, which would have made Dec. 31 the termination date for the contract as well—

**Mr. Deacon:** That's a different situation.

**Mr. R. S. Smith:** It is a different situation, and the member knows it. They negotiated on a province-wide basis and these don't.

**Mr. Laughren:** No, there is not a significant difference.

It being 6 o'clock p.m., the House took recess.



## CONTENTS

---

Thursday, July 17, 1975

Contingency retainers, questions of Mr. Clement: Mrs. Campbell, Mr. Roy, Mr. Renwick, Mr. Sargent .....	4102
Welfare programmes, question of Mr. Brunelle: Mrs. Campbell .....	4103
Oil and gas prices, questions of Mr. Davis: Mrs. Campbell, Mr. MacDonald, Mr. Sargent, Mr. Cassidy .....	4103
Bloorview Hospital, question of Mr. Miller: Mrs. Campbell .....	4105
Northern Ontario construction strike, question of Mr. MacBeth: Mrs. Campbell .....	4105
Removal of sales tax from automobiles, questions of Mr. Davis: Mrs. Campbell, Mr. Roy .....	4106
Rent control, questions of Mr. Irvine: Mrs. Campbell, Mr. Deans, Mr. Sargent, Mr. Cassidy .....	4107
Syncrude agreements, question of Mr. Timbrell: Mr. Deans .....	4108
Mortgage money, questions of Mr. Davis: Mr. Deans, Mrs. Campbell, Mr. Renwick ....	4108
Acting Minister of Agriculture and Food, question of Mr. Davis: Mr. Deans .....	4110
Minister without Portfolio for manpower, questions of Mr. Davis: Mr. Deans, Mr. Stokes .....	4110
Ombudsman, question of Mr. Clement: Mr. Deans .....	4112
Crime conference in Toronto, question of Mr. Davis: Mr. Deans .....	4112
Railway relocation, question of Mr. Rhodes: Mr. R. S. Smith .....	4112
Staffing at psychiatric hospitals, question of Mr. Miller: Mr. Shulman .....	4113
Compensation for homeowners, question of Mr. Irvine: Mr. P. Taylor .....	4113
Transfer of land for Indian reservations, question of Mr. Bernier: Mr. Stokes .....	4113
Public housing rents, question of Mr. Irvine: Mr. B. Newman .....	4113
Report, standing resources development committee, Mr. McNeil .....	4114
Public Hospitals Amendment Act, Mr. Roy, first reading .....	4114
Legislative Assembly Retirement Allowances Amendment Act, Mr. Snow, second reading	4115
Third reading .....	4116
Colleges Collective Bargaining Act, in committee .....	4116
School Boards and Teachers Collective Negotiations Act, in committee .....	4134
Recess .....	4146











# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Thursday, July 17, 1975  
Evening Session

---

Speaker: Honourable Russell Daniel Rowe  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975

## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).



# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JULY 17, 1975

The House resumed at 8 o'clock, p.m.

## SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT

(continued)

**Mr. Chairman:** When the committee rose at 6 o'clock, we were dealing with an amendment by the member for Port Arthur (Mr. Foulds) to section 51. The hon member for St. George.

On section 51:

**Mrs. M. Campbell (St. George):** Yes, Mr. Chairman, I will be brief and will try not to cover what has been said before. First of all, when we were in committee—and the minister may be able to give us the figures, but since our committee was not recorded and I did not make a note of them, I don't have them before me—my understanding was that the preponderance, and a significant preponderance of contracts do terminate within the scope of what is provided in this section.

Secondly, Mr. Chairman, I think once in a while we have to bring into line a piece of legislation such as this, with all of the problems which face municipalities today, and certainly we hope that this particular piece of legislation will ensure that there will be very few strikes in this province in this field. Accordingly, if the agreements can be negotiated at this time and settled within this period, it gives to municipalities an opportunity to fix their tax rate at a much earlier time than they could under the provision of this amendment.

If we want to be of assistance to municipalities we should encourage every means to enable them to ascertain their costs as early as possible, so that they can take advantage in their work programme of the off seasons in order to ensure that their contracts may come in at a lower rate than if they had to compete in the market at the peak season for construction work. So, having in mind all of the arguments which have been made in this matter, I certainly support the position taken by our critic in this area.

**Mr. Chairman:** Is there any further discussion on the amendment?

**Mr. J. F. Foulds (Port Arthur):** I'm interested in the figures asked for by the member for St. George, because I think they would, in fact, be very instructive. As I recall, she is right in her argument about the large preponderance of agreements ending at the end of August. As I recall, I think it was something like 125 versus 23.

**Mrs. Campbell:** I thought it was 144 to 22.

**Mr. Foulds:** Well, that's exactly why it would be useful to have the actual figures. But a couple of things have arisen in the discussion on this particular clause that I would like to comment on. One is the matter—and I think it's a legitimate matter—raised by the member for York Centre about the possibility of whipsaw. I am not sure what the phrase means but if I understand it correctly it means that one board comes to an agreement, say, in August which is substantially better than other contracts and then in December other people shoot for that, if you like. And vice versa—in December some agreements are better. I am not sure that won't happen in any event; the only difference will be instead of a six-month period it'll be over a year.

**Mr. D. M. Deacon (York Centre):** It is just once a year.

**Mr. Foulds:** I think that is a legitimate concern but it could and should be balanced by the added flexibility it would give negotiators, arbitrators, mediators and so on in arriving, hopefully, at agreements which would be acceptable to both sides. It would give them the flexibility, as I indicated earlier, of going to an 18-month or a 30-month contract in some cases. That seems to me to be, in terms of the negotiations and the procedures set down in the bill, a kind of flexibility worth shooting for.

The other thing I said earlier—and I don't want to go on too long—is I really think the workload of the commission could be evened out because it does seem to me that if it were recognized that the two terminal dates

within the procedures were Aug. 31 and Dec. 31, there would be perhaps more inclination, both on the part of boards and of teachers, for some of them to go to the December date. It may depend on local conditions. Because it then falls within their calendar year and, I think, their fiscal year, it might be more acceptable to them, given the orderly procedures in the bill.

I think the desire for the school year contract traditionally has been because (a) it was tied to the individual contract of the teacher; and (b) it coincided with the school year and that school year helped to give an orderliness to the proceedings when this bill was lacking. That's the major reason I suggest this flexibility.

As I said earlier it's not a principle I think anyone is really prepared to go to the stake for but I think it's one worth quite serious consideration by the Legislature. If the House doesn't accept my proposed amendment at this stage perhaps, as we see how the bill works, some time in the future it would be an amendment worth thinking about bringing in.

**Mr. Deacon:** Mr. Chairman, briefly, I want to say another point which I felt was important and which I may not have mentioned in my remarks was that if at the beginning of the year there is a breakdown, the students wouldn't be as unfavourably affected as far as taking grade 13 is concerned as they would be later on in the year. There is time then to catch up; a lot more time to catch up. That is one of the things I like about dealing with any breakdown early in the school year.

**Mr. Foulds:** That is a valid point, I think, and it's something I haven't sorted out in my own mind. I think what you have to balance there, if there is a breakdown early in the school year, is whether people particularly in the senior grades of high school who have been earning money over the summer might not return to school. That's sort of a terrible option. I know the problem if you get into a dispute particularly when there is a breakdown in the crucial months. I would say from April onwards particularly is crucial for the—

**Mr. Deacon:** One often finds that a year out of school for youngsters like that is a good thing.

**Mr. Foulds:** Sorry, pardon me?

**Mr. Deacon:** One often finds that a year out of school for youngsters like that is a

good thing. They'll come back when they are ready.

**Mr. Foulds:** I tend to agree that the option of a student dropping out for a year may be a valuable one in terms of human experience and educational experience. The difficulty with that is, even though the lip service is there and we have made some progress, the opting-in process and provisions aren't as free as they should be to work in the way that you are envisaging it.

**Mr. Chairman:** The hon. minister.

**Hon. T. L. Wells (Minister of Education):** Mr. Chairman, in the original bill that we presented here on collective negotiations some 18 months ago, one of the sections provided for school-year contracts as the bill does, plus a minimum length of time on the contract of two years. In the process of consultation that has gone on since that bill was introduced, we talked to a lot of people about this particular section. The teacher presentations to us were that we should have the contracts for a minimum of one year, allowing for longer contracts if either of the parties wished, and that we shouldn't stick to the school year as the mandatory time for all the contracts. Trustees would have liked to have kept the two-year mandatory contract and also wanted to have the contracts on the school-year basis.

Upon consideration of this matter, it was our feeling that the intent of this legislation could best be served by having contracts all terminate on Aug. 31, with one year as the minimum length of time for a contract but a longer time of two years, three years or whatever the parties might wish, if they wished to negotiate longer contracts. The reasons for this were, first, the school-year contract meshes with the teachers' contract; it meshes with the work year of the teacher from September to June. It means that that teacher working for that board knows the terms and conditions of employment under which he will be working for that complete year. There will not be a change in the middle of the year. It means, hopefully, that the financial matters will be settled before the board strikes its budget for the next calendar year and, while it won't know for sure what its total requirements will be for the full year, it will know for a larger portion of the year than if it was negotiating during the calendar year and then perhaps not settling the contract until after its budget was well in place or it had to submit its budget to the municipality for apportionment and levy.

I think there is also some validity in the argument of my friend from York Centre that in the event that some type of dispute does take place the chances are that it will take place early in the school year rather than later in the school year. Another compelling reason why we inserted the section as it is here was that the greatest number of boards at the present time are on the school-year arrangement. The latest figures that I have got of calendar-year agreements terminating at Dec. 31, 1975, are seven public, eight secondary and seven separate. In 16-month agreements which terminate at Dec. 31, 1975, there are two public, three secondary and eight separate. In 16-month agreements that don't terminate until Dec. 31, 1976, there are one public and one secondary. The rest of the agreements in the 72 public and secondary bargaining units and 49 combined Roman Catholic separate school boards terminate on Oct. 31 with one secondary and one separate school board each having agreements that terminate after 20 months on Aug. 31, 1976.

**Mr. Foulds:** Excuse me, did the minister say Oct. 31 at one point in the second last example he gave?

**Hon. Mr. Wells:** No, I said 16-month agreements terminating Dec. 31, 1975, and then terminating Dec. 31, 1976.

**Mr. Foulds:** Yes, and then the next one.

**Hon. Mr. Wells:** Then I said terminating on Aug. 31.

**Mr. Foulds:** I thought I heard October.

**Hon. Mr. Wells:** I am sorry. If I said October, it was a slip, because the agreements of 72 public and secondary school units and 49 Roman Catholic separate school boards terminate on Aug. 31 and the agreements of one secondary school unit and one separate school board terminate on Aug. 31, 1976. As the hon. members know, there were amendments put in the bill to allow the small number of boards whose agreements terminate on Dec. 31 at the present time to negotiate either eight-month or 20-month contracts as the case may be and whichever they wish; they are not forced into negotiating one or the other. Eventually they will be on stream with their contracts meshing into the school-year contract period that the bill provides for.

**Mr. Chairman:** The hon. member for Windsor West,

**Mr. E. J. Bounsall (Windsor West):** I would like to comment on one of these matters. I am not sure whether it has been brought to the minister's attention before or not; I suspect it may well have been raised during the long committee hearings.

Forgetting about the committee having to deal with all the particular board-teacher problems at once, the thing that strikes me about this Act, which lays out a very careful procedure to strike, is that in the board-teacher relationships where that might be coming up, the Aug. 30 date virtually assures they will be put in a strike position.

With the requirement of the vote, with the requirement of so many days after the fact-finder having reported and so on, and with July and August being months in which you cannot get the teachers together—unless something is done in June, we are virtually assured of a strike situation having arisen.

That's what worries me about this fixed date in the bill. You are virtually assuring that any board and teacher group that does not get settled by the third week in June, at the latest, is going to be in a strike situation, because nothing can take place over the summer.

I am not encouraging strikes, nor am I encouraging the strike situation to arise, but if you had some flexibility on the date and some contracts came up in December, if that was the choice of the teacher and board groups as a result of their collective negotiations, then in fact you would have a much better chance of avoiding the strike because they would have that fall period in which to finally get things sorted away. But you cannot get teachers together in the last two months of the year, because they are not there in many instances, and that is going to put them in a strike situation position. That's what worries me about the Aug. 30 date.

I don't like a fixed date in any event, but if you were going to have a fixed date, Dec. 31 would be preferable to Aug. 30 because of the dead two months immediately prior to Aug. 30. That's what strikes me most about this bill and that's what strikes me most about the reasons as to why the amendments put forth by my colleague from Port Arthur are good.

**Hon. Mr. Wells:** Mr. Chairman, I just want to say that I don't accept that premise at all. There are negotiations going on at the present time where there is no settlement. There are negotiations going on in the summer. The requirement to give notice is in January. There's all the period from Janu-



ary to June. If an agreement hasn't been arrived at, the option is open to work in the summer.

As I say, there are negotiations going on now between the Metropolitan Toronto secondary school teachers and the Metropolitan Toronto boards of education throughout the summer, and it may be under these provisions that there will be some change in pattern of when negotiations carry on.

**Mr. Foulds:** The point of my colleague, the member for Windsor West is a point that had not occurred to me; I think it is a very powerful point that although the negotiating can continue to take place—

[Applause.]

**Mr. L. C. Henderson** (Lambton): What brought that on?

**Hon. A. Grossman** (Provincial Secretary for Resources Development): You have never done that for me, Eddie.

**Mr. J. R. Breithaupt** (Kitchener): With good reason too.

**Mr. F. A. Burr** (Sandwich-Riverside): That's a first.

**Mr. Foulds:** I have been upstaged many times in my life, but never so brilliantly as when the member for Grey-Bruce just implanted a marvellous, affectionate kiss on the member for St. George. I think that's a first in the Legislature. Where was I? What was I saying.

**Mr. Henderson:** What brought that on?

**Mr. Breithaupt:** I don't know that it matters.

Interjections by hon. members.

**Mr. Bounsall:** Where's the gallantry of the member for Lambton?

**Mr. Henderson:** You should keep an eye on the member for Grey-Bruce. He upstaged you there.

**Mr. Foulds:** I just said that. That's what I just said. I don't know if the member for Lambton was listening, but—

Interjection by an hon. member.

**Mr. Chairman:** Order, please. Perhaps the hon. member would return to the more mundane things before us.

**Mr. Bounsall:** You'll have to remind him where he was, Mr. Chairman.

**Mr. Foulds:** Mr. Chairman, the point made by my colleague from Windsor West I think is a very powerful one. It is true, as the minister says, that negotiations can continue over the summer months relatively easily, because the negotiating team from the teachers has the commitment to do the negotiating. However, if they're getting to the point where they want to report back to their membership for the acceptance or rejection of an offer, that will be very difficult over the summer months. It might lead to some unnecessary rejections that might not otherwise occur if we had this flexibility of dates. Thank you, Mr. Chairman.

**Mr. Foulds** moves that section 51(1)(b) be amended by adding the words, "or the 1st day in January," in line two after the word "September," and before the word "in."

**Mr. Foulds** further moves that section 51(1)(c) be amended by adding the words, "or on the 31st day of December" in line 1, after the word "August" and before the word "in."

**Mr. Foulds** further moves that these amendments apply mutatis mutandis to the remainder of the Act.

**Mr. Chairman:** All those in favour of Mr. Foulds' amendments will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack this?

Is there any further discussion prior to section 60?

On section 52:

**Mr. Foulds:** Just a very brief comment, Mr. Chairman, about section 52, subsection 2. I'm very pleased that the minister was able to introduce in committee that amendment that met the concerns of the separate school trustees. I'm also pleased that the separate school trustees and the Ontario English Catholic Teachers' Association worked together on the proposal for the wording of the amendment that was acceptable to them. I think that that is a mark of the kind of work that was done outside of committee and in committee on this Act. I'm just very pleased that the minister was able to do that, to bring that wording in.

**Mr. A. J. Roy** (Ottawa East): Mr. Chairman, if I might just make a comment on that as well. I think that it was a proper amendment made in committee. When we discussed it it was not all that clear from section 52(1) that when we were talking about a provision of an Act or regulation which should prevail

over any agreement or any provision for an agreement between the teachers and the trustees, that such statutes as the British North America Act would be one of the statutes considered.

I think it's to the credit of the minister and the members of the committee, along with teachers and the trustees, that agreement was reached to bring in this type of legislation. There is now no doubt in the minds of the people in this House, nor of anyone else looking at this legislation, what the intent is. I think it's an amendment which certainly will avoid any type of challenge in any court. I don't think this amendment could be any clearer.

**Hon. Mr. Wells:** Mr. Chairman, I'd just like to say at this time that I'm very pleased at the co-operative effort that was shown by the Ontario Separate School Trustees' Association and the Ontario English Catholic Teachers' Association, which got together and through some process were able to work out a wording that was acceptable to both of them, for which I was very appreciative. I'm happy that they did this.

The separate school trustees have made this point to us ever since we started discussing collective bargaining legislation for school boards—the protection of the specific powers under the British North America Act that they enjoyed in regard to the employment of teachers. I think that at one point in time there was a very real concern on the part of the English Catholic Teachers' Association that they would perhaps find themselves without the full rights of other teachers in this province because of some sections that might be put in this bill. Indeed, some of the sections that were suggested to us early in our committee hearings were far too limiting upon the things that could apply to those teachers who were employed by separate school boards.

I think the wording that we finally have accepted—and it was arrived at by the separate school trustees and the English Catholic teachers together, and agreed to by both associations—is a very acceptable wording. I'm glad it came along and that we were able to include it in the bill.

Sections 53 to 59, inclusive agreed to.

On section 60:

**Mr. Deacon:** On section 60, subsection 1: In my remarks on second reading, I expressed concern about having assurance that appointments to the commission were ac-

ceptable to both sides by some manner or means. Since then, in discussions on the parallel bill in regard to the Colleges of Applied Arts and Technology, I recognized there was a real problem in having appointments made in accordance with a jury-system type of panel arrangement. I have drafted an amendment which I hope the minister will consider.

Mr. Deacon moves that section 60, subsection 1, be amended by adding the following words after "Lieutenant Governor in Council": "after consultation with the council and the federation."

**Mr. Deacon:** This would mean that the ministry would check its ideas with the council and the federation. It doesn't have to be bound by them but it would be aware of any concerns they might have about appointments that the ministry is considering. I would think that would be one way of assuring the people who are appointed to this commission truly have the support of both parties—or at least that they would have the confidence of both parties and there would be no lack of confidence or no reason to lack confidence.

We support the minister's wish that there be five members of this commission who are trusted by all parties; five members who can take objective points of view so that we don't have a situation where everything turns upon the chairman who has been appointed by two representatives of either side. I think it would make a much stronger commission. In adopting this amendment, the minister would have in the legislation a little addition which would indicate that he has, at least, consulted with both the council and the federation. I hope the minister will give favourable consideration to this amendment.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** Thank you. I just have a question of clarification of the mover of the motion, Mr. Chairman. I don't know how you do this in the legislation but, presumably, "council" in the amendment means "council" as defined in section 1 of the bill.

**Mr. Deacon:** That's right.

**Mr. Foulds:** It could be a little confusing because it comes right after the wording "Lieutenant Governor in Council." I don't know how you get around that problem. I don't really know how you can legislate



consultation by the ministry and the Lieutenant Governor in Council. To give this minister some credit—and occasionally I do; not often, but occasionally—certainly on this bill there has been enormous consultation, I know, both with the trustees' council and with the federation, and I know that any minister in that portfolio, if he's going to keep his pulse on education in the province, has to engage in that. However, having said that, I think we would certainly support the motion. Any government that appointed a council without that kind of consultation would really be heading for trouble. It seems a pity that it is necessary to put it in.

**Mr. Deacon:** I am sure the minister would do it anyway.

**Mr. Foulds:** This minister would, but we might not always have this minister, if this government continues—and I'm not sure even if I'm in that particular seat that I shouldn't have this kind of safeguard on me.

**Mr. Chairman:** The hon. member for Carleton East.

**Mr. P. Taylor (Carleton East):** Mr. Chairman, I too would like to put it on the record that I support very strongly the amendment as proposed by my colleague, the member for York Centre, because if the minister has tried to do anything in this bill it has been to restore order to the relationships between teachers and school boards.

The bill, as we've all said, is a good bill and it attempts to set up a relationship between the teachers and the boards which everybody in Ontario wants and which everybody in Ontario recognizes is very possible to achieve. But I think where the minister is forecasting difficulty for us is in the way section 65 has been written, and his proposed amendment for section 65, in my opinion, doesn't do much to correct the problem that he's going to create with section 65. Therefore, if we are going to achieve this very special and delicate relationship between teacher organizations and their boards, I think we should introduce this additional protective device to restrict the introduction of politics into the operations of the commission, and for that reason I strongly support the proposed amendment to this section.

**Mr. Chairman:** The hon. member for St. George.

**Mrs. Campbell:** I just would like to rise to support this amendment, particularly as in this case the whole bill and the whole scheme

of the bill really evolves about the commission itself, and we should ensure as far as possible the acceptance of these members by both parties.

I too would like to say that I believe this minister has had tremendous consultation in bringing forward this bill, but it could be that at some future time we would not have someone who was as concerned in charge of this ministry. Therefore, it seems to me that by putting it into the legislation we are ensuring that degree of consultation which will make this commission work. Thank you, Mr. Chairman.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Wells:** Mr. Chairman, I just want to give the House the assurance, as I did on second reading and in the committee, that it is our intention to appoint an impartial, highly competent, high profile, Education Relations Commission that I hope will enjoy the confidence and trust of the teachers, the trustees of this province and the public. I note that in the amendment of my friend he suggests consultation with only two groups. I would suggest if I was to sit here—

**Mr. Deacon:** Don't you represent the public?

**Hon. Mr. Wells:** Certainly we represent the public, but I think we also represent the teachers and the trustees of this province who are part of the general public. We represent all the public.

If I was to sit here and jot down in the next few minutes some of the groups that could be added, if we were to add a list like this, I could perhaps add the Ontario Home and School Association, perhaps some of the parent-teacher groups, perhaps business officials of this province; there are many groups. I think we really don't need that kind of an amendment. Certainly in any of the responsibilities that I have had in recommending appointments to a commission by the Lieutenant Governor in Council, I think they have been of the calibre that was expected. I won't ask you to name the members of the Languages of Instruction Commission of this province, because you may not have them at your fingertips, but I would say to you I think they certainly enjoy the respect and esteem of the francophone school community of this province.

So, Mr. Chairman, I don't think we need this amendment. I assure the House the kind of commission I have talked about—an impartial, high level commission that can



carry out and complete the purposes of this bill—will be appointed by this government.

**Mr. Deacon:** Mr. Chairman, I would point out to the minister that this is a different type of commission from the one to which he is referring in that there are two major parties concerned and referred to throughout this bill and they are on opposing positions; that's what the whole bill deals with.

I would feel the minister, representing the public at large, would have his own ideas. But just as a matter of common sense, because of the very nature of the work and the responsibility of the commission and since the whole bill, as my colleague from St. George says, revolves around the competence, the impartiality, the objectivity of that commission and the confidence the two parties in particular have in that commission, the minister should realize that in this particular type of commission it would be important to have checked with each party, because a situation could arise where one of those appointed was openly criticized right from the beginning.

Points of view or background could be brought up that would detract from that person's ability to serve effectively. Because of that I wish the minister would consider changing his position. What we are suggesting here is not a difficult thing to do; I would think the minister will do it anyway in the ordinary course of his appointments, because he would want to be sure that every appointment had the full confidence of both parties.

**Hon. Mr. Wells:** Let me say this, Mr. Chairman. I think that by putting the kind of amendment in that has been suggested by my friend you could start down the road to the very kind of commission he suggested he doesn't want; that is a commission that really is a saw-off between a person recommended by one of the parties and a person recommended by one of the other parties. This minister, and certainly any minister in this government, consult with many people when we are making appointments to these various bodies.

I just have to say again that I am giving you my assurance of the kind of commission that will be appointed. I might also say that I am afraid my friend really doesn't show a very good understanding of the Languages of Instruction Commission insofar as its work is concerned, because its work is concerned exactly with the same kind of problem—

**Mr. Deacon:** I realize that.

**Hon. Mr. Wells:** —reconciling differences between two groups where they seem to be irreconcilable.

**Mr. Deacon:** Mr. Chairman, the minister has a good point, that there is a continuing situation there. I recognize that, but it is not quite as critical as in this case. I would point out, though, that the minister's suggestion that this is going back to a similar situation in which we have two sides represented on the commission, with an impartial chairman mutually agreeable, is completely off base. I am surprised he would suggest that, because I am recommending a procedure that is really based on what is done in the selection of a jury, where both the Crown and the accused have an opportunity to have maximum assurance of objectivity on the part of all members of the jury. It is not a jury made up of some representatives from each group with a judge sitting in the centre; it is, hopefully, 12 people who have competence and at least aren't challenged by either party. For that reason I think we would not have any similarity and I suggest to the minister his point is rather irrelevant.

**Mr. Chairman:** The hon. member for Carleton East.

**Mr. P. Taylor:** Would the hon. minister entertain a question? Would he not agree that by going along with the idea of legislative consultation with the two important parties to the negotiations with respect to the appointment of the commissioner, he would be substantially reducing the chances of criticism of those appointments by those two parties?

**Hon. Mr. Wells:** No, I wouldn't agree with that, Mr. Chairman.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** I am not sure I entirely understood the last speech by the member for York Centre. I would like a point clarified, because, if I did understand it, he just talked me out of supporting his amendment.

**Hon. Mr. Wells:** That's right. He got back to the jury business and the veto power.

**Mr. Foulds:** Yes, that's the thing that worried me. Does the member envisage this consultation including, as he indicated about the jury—that was the thing that really brought it to my mind—that one side or the other would have the veto power over the appointments? No?

**Mr. Deacon:** There has to be consultation. Either side might suggest a name, and the other side might say, "My gosh, we don't want to have him," and explain why they didn't want to have him.

**Mr. Foulds:** I think we have to leave some discretion here, because there is a real danger in adopting a strict attitude that says, in effect, "if one side or the other rejects, therefore the Lieutenant Governor in Council rejects." The real danger is that you could get a commission of nonentities who were acceptable to both sides. That worries me.

**Mr. Deacon:** Mr. Chairman, in my amendment to the previous bill, Bill 108, I had suggested that procedure; but recognizing the problem of going through a jury challenge procedure, I suggested the word "consultation."

**Mr. Foulds:** It is relatively meaningless and harmless.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall we stack this vote? Agreed.

**Mr. Deacon** moves that the section 60(2) be deleted and the following substituted therefor: "The commission shall appoint from among its members a chairman and a vice-chairman."

**Mr. Deacon:** Mr. Chairman, section 60(2) of the bill now states that the Lieutenant Governor in Council shall designate the chairman and vice-chairman. In his introduction to this bill, and all the way through it, the minister indicated the independent nature of that commission. He has indicated that he wants to be sure that commission is not subjected in any way to the ministry's interference or influence. He wants them to be independent in every way.

My amendment would leave the commission appointees free to decide who among their numbers they would wish to make the No. 1 person and who would be the substitute. I think this would ensure a greater independence of approach and mind on the part of the commission.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Chairman. I think I must reluctantly disagree with this amendment. I think we have to envisage the

type of commission that it is. It is a permanent commission and not a commission like an arbitration board, a six-month commission or a commission to examine a specific problem. It's a commission that will have a high impact upon education in the province, and I think that the leadership and the characteristics of the chairman, particularly of the first chairman, will implant their stamp upon the office and upon the commission. I have a feeling that the government of the day, no matter which it may be, even though it's a Conservative government at this date, should probably at this time have the freedom to select that chairman and vice-chairman.

I think it is probably important and probably significant that, although all the members of the commission have a prestige and a calibre in the community, the chairman should have an overriding prestige that is visible throughout the province to teachers, to trustees and to all kinds of educational administrators. Therefore, I prefer the wording of the original subsection 2. I will have a moment of consultation with my colleagues before the vote but my instinct is that we will reject this amendment.

**Mr. Chairman:** The member for Stormont. I am sorry, the member for St. George.

**Mrs. Campbell:** Mr. Chairman, as we pointed out earlier, I think you have difficulty in seeing us on this side at this angle.

I'm surprised to hear anyone take the position that these very fine people who will be members of this commission would be incapable of recognizing in the democratic process the capabilities of the persons who shall be elected by them as chairman and vice-chairman. This commission is a permanent commission but it's interesting to find, if one looks at subsection 4 where we have the provision for the appointment of the members of the commission on varying terms, that it is indicated that as nearly as possible one-third of the members shall retire each year.

I would assume, therefore, for example, the commission members initially would in all likelihood elect from their members one of those who is elected on a three-year term in order to ensure that kind of continuity in the commission chairman. Note then that the government itself has made certain provisions for the members on this rotating basis. I would assume, therefore, that the members would elect from that group. Surely to take away any doubt at all that there is any political overtone in appointing the chairman



and vice-chairman — and, goodness knows, we've seen the criticism in the appointment of chairmen municipally—I would urge the members of the NDP, if not of the government, to take another look at what they're saying. I am supporting the amendment as proposed.

**Mr. Chairman:** The hon. member for Stormont.

**Mr. G. Samis (Stormont):** I must say, first of all, I find myself lacking any strong feelings on this amendment either way. Frankly, I find myself underwhelmed by the logic presented by the member for York Centre. I do have certain reservations about the idea of how acceptable the chairman and the vice-chairman would be to the teachers, to the trustees and to the general public, if they were appointed from within. If they had certain unique or outstanding or forceful individuals, I could see it working quite well but because of the tremendous possible political controversy involved and the political problems which could result from very biased appointees, I think that prospect is somewhat dim.

It depends on a variety of factors we don't really know about here now, but overall I would think in the past the procedure has been that someone else would designate the chairman and vice-chairman. It has worked reasonably well. I would assume this minister and his successors will operate in the best interests of the community and I fail to see enough logic in the amendment to warrant support, Mr. Chairman.

**Mr. Chairman:** The hon. minister.

**Mr. Foulds:** I've just a comment. I think of the Workmen's Compensation Board where the chairman is appointed by the government; that has led to bad appointments and to good appointments. The difficulty, it seems to me, if the chairman is elected from within the commission, is if you have a bad one, so to speak, under the amendment it is impossible to remove him. That would seem to me to be a serious drawback in the amendment.

If you have an incompetent in for a year that could do enormous damage in a bad year of negotiations.

**Mrs. Campbell:** But we are going to have such great people.

**Mr. Foulds:** I think all our intentions are to have a commission of very first-rate people, hopefully. I mentioned names of some

possibilities on second reading—which I won't repeat—but all of them have feet of clay; all of them are human beings. Some of them can fall seriously ill.

Let's take an extreme example. A man or a woman can become incompetent physically and mentally. They do not recognize that incompetence and their colleagues on the commission may be unwilling to remove them under those circumstances. Yet it may be in the best interests of education in the province to remove that person and perhaps the government should have that freedom in the appointment. I don't feel really strongly one way or the other. On balance I tend to side with the present wording, with the government's wording.

**Mr. Chairman:** Does the hon. minister wish to comment?

The hon. member for Windsor-Walkerville.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Chairman, I wanted to support the amendment presented by my colleague. I would hope that in his appointments the minister would have selected five outstanding people; that he wouldn't come along and select only one and that all of them would be extremely capable and honourable people. I would think the amendment does make good sense by having them appoint one of their own members to be chairman and a second to be vice-chairman. I urge the minister to reconsider his decision and accept the amendment as proposed by my colleague.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. Wells:** Mr. Chairman, I have to reject the amendment. I think the general procedure followed on appointments of very important commissions like this is that the Lieutenant Governor in Council usually appoints the chairman and vice-chairman. Certainly everyone appointed to this commission will be of very high calibre, but in selecting and getting agreement to serve on this commission, special consideration usually has to be given to the chairman. His job becomes more onerous than the others.

It's not just a case of someone being picked from among the group to be the chairman of a meeting, as is the case in many clubs, organizations, committees, and so forth when chairmen are elected from time to time. This is a case in which one person is going to have to assume a special leadership role and his or her designation for that role usually has to be talked about when the appointments are proposed or the desirability to get them to



serve is mentioned. When we discuss with them whether or not they are willing to serve these things usually have to be discussed. Therefore, I think the section, as it applies in the bill, is in order and the amendment is out of order—not out of order but unacceptable.

**Mr. Deacon:** Mr. Chairman, I would point out to the minister there is a possible way out of the problem I see in the appointment of the chairman always being made by the government. It could be that because of the onerous position the initial appointment would be made by the minister and the minister would leave the subsequent appointments, as was done in the case of regional government chairmen, to the council; in this case the commission.

In that way we are getting away from the tendency we have seen in regional chairmen to have an overwhelming influence on the balance of the council because of their obvious in, their special place of favour with the government. It seems to me this is something we don't want to have in the commission.

The minister has indicated time and time again his wish for the commission to be independent. I can see, perhaps for the first term of office, that the chairman be one designated by the minister. Certainly I think he should add here something which would indicate that following the first appointment of the chairman and vice-chairman, the commission itself would choose the subsequent chairman and vice-chairman from among its members. Would the minister comment on that?

**Hon. Mr. Wells:** No, Mr. Chairman, I don't accept that suggestion. I think the section as it is presently printed is in order.

**Mr. Deacon:** Boy, you sure want to keep that commission dominated by yourself.

**Hon. Mr. Wells:** Not at all.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Stack the amendment.

**Mr. Deacon:** Mr. Chairman—

**Mr. Chairman:** Is there any discussion on any other section?

**Mr. Deacon:** Subsection 6 of 60. I am spending a lot of time on this clause 60 because this is such a vital part of this whole bill, having in mind a commission—and I am sure it is so in the minds of everyone here—

a very strong commission, one that reflects changing ideas, is up with the times and has the confidence of the whole province is vital.

I am concerned about the present clause 6 which indicates that the members of the commission can continue, on reappointment, ad infinitum. I think it is important there be no implied criticism of a member if he or she is not reappointed. I think it is important that there not be that pressure upon the Lieutenant Governor in Council for reappointments. If someone is not entirely as strong or not proving as well as they might they might hesitate to change that person because it is a public slap in the face not to be reappointed.

In other legislation this government has introduced it has introduced a limit to the number of terms a person may serve consecutively without any interruption. It is that way in the Council of Regents, in the appointment of regents of colleges. I think it is a good practice and therefore I move an amendment.

**Mr. Deacon moves that clause 60, subsection 6, of Bill 100 be deleted and the following substituted therefor:**

Each of the members of the commission is eligible for reappointment upon expiration of his term of office for not more than one additional term unless a period of not less than one year has elapsed from the expiration of his previous term.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Chairman. I think once again, reluctantly, we will not support this amendment. Once again I think we have to think of the complexity of the commission and its work. The field of collective bargaining in education, collective bargaining between the two parties in education, is a field in which there are not that many people who have either the expertise or the interest or the capability of understanding the complexities of both collective bargaining and the whole business of educational financing and educational formulas, per pupil grants and all that kind of thing. It seems to me that if, on the commission, we start out with a commission of very capable people, they will still have a heck of a lot to learn. They may have expertise in one field, say collective bargaining, or they may have expertise in education but not in collective bargaining, and it seems to me it would be a pity to waste that expertise by limiting their appointment. You might, for example, be able to

attract a relatively young man, say in his mid-30s, who is very capable—

**Mr. I. Deans** (Wentworth): Say in his late 30s.

**Mr. Foulds**: Or even in his late 30s.

**Mr. Breithaupt**: Early 40s.

**Mr. Foulds**: Early 40s.

**Mr. T. P. Reid** (Rainy River): Late 50s.

**Mr. Foulds**: No, no, the example of a person from his mid-30s to his mid-40s—

**Mr. Breithaupt**: They are fighting you.

**Mr. Foulds**: —who gives up a developing career for this particular job, develops well in it, develops an expertise in it, has to devote his full time to it, unlike the Council of Regents—the Council of Regents is not a full-time job; this basically would be—and then in his mid-40s to mid-50s can no longer carry on. Now, he is valuable and he would be capable of getting work in other fields, but it might be very worthwhile for him to continue in this one. So I think, on balance, we will stand with the legislation as it is written rather than asking for an amendment.

**Mr. Chairman**: The hon. member for Carleton East.

**Mr. P. Taylor**: Thank you, Mr. Chairman. We have in the last few minutes heard the minister's arguments for not removing all these appointments from the political arena, and for that reason alone, plus a number of others that I won't take the time to enunciate because of a shortage of time here, I think the amendment is eminently sensible.

It provides for the return, it provides for the gentle removal, if you like, of people for a breathing space of a year. That alone saves them the embarrassment of being removed from the commission for whatever reason. Their term has expired; therefore they go back. If they are that valuable, they can then be invited to return. As I said a moment ago, this amendment makes it possible to counter-balance the element which, as we have said so often, we cannot control in future Ministers of Education and that is, the risk of political appointments or appointments of people who, in the eyes of the educational community in Ontario, just don't measure up. For that reason I support the amendment.

**Mr. Chairman**: The hon. member for Stormont.

**Mr. Samis**: Very briefly, Mr. Chairman, it seems to me that there's enough protection in section 4. I can see some merit to the arguments advanced by the member for York Centre—

**Mr. Foulds**: Subsection 4.

**Mr. Samis**: —subsection 4, I am sorry—but I don't share his fears to the same extent and I don't find the argument sufficiently convincing to support it.

**Mr. Chairman**: Does the hon. minister wish to comment?

**Hon. Mr. Wells**: Mr. Chairman, I would not accept the amendment. I believe the section is good the way it is, and I think that some of the reasons have already been stated and I don't need to restate them. I think it should stay the way it is.

**Mr. Deacon**: Mr. Chairman, I just want to point out that it seems to be assumed by those who have spoken that the people originally appointed are the best possible people and therefore no change is needed; and we certainly are unlikely to see changes being made unless there is this type of clause. I can assure you, if you look through other appointments, unless there is some means whereby people's feelings aren't hurt, the same people are reappointed almost every time.

I think it's important that there be the opportunity for a change in ideas and that at the same time we don't lose completely the opportunity for good people to come back on. But this is not likely to be and it should not be a full-time occupation as a member of this commission unless we have a tremendous breakdown, far more than I can foresee, in the relationships between boards and teachers in this province. I just think we're assuming too much when we indicate it will be terribly difficult to find excellent people, first-rate people, to replace those who have served six years in this office.

It doesn't take years to gain experience in this work in order to make a contribution to it. I think a person's year in office, especially during the period of negotiations from January to August—one season of that—would give any new member a great deal of insight as to what the realities are and what could be done as a commissioner to help the situation.

I really am disappointed at the attitude, particularly of the minister, in this case because his colleagues in other instances have adopted the type of provision in legislation

to ensure new blood and new ideas as well as continuity and the ability to retain the best of the old.

**Hon. Mr. Wells:** Mr. Chairman, I wasn't going to speak on this, but my friend starts talking about things like injecting new blood and that there are people who come along with new ideas. Certainly people come along with new ideas. The way you handle that situation is by making the appointments for term appointments. If we didn't want new blood and if we wanted people to be on here and have a sinecure for the rest of their lives, we'd appoint them at pleasure with no term, as used to be done on commissions. In this way, everybody's term of office comes up at a certain time and they have to be reappointed.

The very real problem that you get into if you accept the kind of amendment that you've suggested is that if you do get a competent, able person who's doing a great job and whom everybody wants to stay but the legislation says he can't have any more than two terms, you're completely hamstrung. I think that on balance it's far worse to be stuck in that position than it is to talk in general terms about the injecting of new blood. Everybody's term of office comes up at a certain time—three years, two years or one year. At that time their appointment will be looked at and they'll either be reappointed or someone new will be appointed.

**Mr. Deacon:** No one is indispensable.

**Mr. W. Ferrier (Cochrane South):** It happens in the Legislature.

**Hon. Mr. Wells:** If anyone was indispensable, as I said, we'd appoint people at pleasure for life to these commissions and we would suggest that they never be reviewed.

What we have suggested here does exactly what you're suggesting.

**Mr. Foulds:** Mr. Chairman, I just want to point out that nothing in the bill prevents new appointments. New appointments are quite logical. If you're afraid of hurting somebody's feelings and, therefore, will reappoint them, then it seems to me that you don't have the capacity to govern. We in this party vote on clauses as if we would support them or bring them forward if we were the government. And if we were the government—

**Mr. J. A. Taylor (Prince Edward-Lennox):** It won't happen.

**Mr. Foulds:** —we would be willing to de-appoint somebody if that is necessary, re-

appoint them if they were good and fire them if it were necessary.

**Mr. J. A. Taylor:** Chuck them all out.

**Mr. Foulds:** That's the way this clause is designed in the bill. For those reasons we would support it.

**Mr. L. Maeck (Parry Sound):** Famous last words.

**Hon. Mr. Wells:** Let me tell you that you'll never find this government wanting when it comes to not reappointing a person who doesn't deserve to be reappointed.

**Mr. Deans:** Ask George Garthercole.

**Hon. Mr. Wells:** You even have a colleague sitting to your right who was not reappointed by this government. He isn't there right now.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment to section 60, subsection 6, will please say "aye."

All those opposed will please say "nay."

It sounds like a bunch of donkeys.

**Mr. Foulds:** Mr. Chairman, on a point of personal privilege.

**Mr. Bounsall:** On a point of order, Mr. Chairman, why did you say that about the "nays" when this is the first time the NDP has nayed tonight, as opposed to the other times?

**Mr. Chairman:** In my opinion the "nays" have it.

Shall we stack this amendment?

Is there any further discussion on section 60?

Sections 61 to 64, inclusive, agreed to.

On section 65:

**Hon. Mr. Wells** moves that section 65 of the bill as amended by the social development committee be deleted and the following substituted therefor:

(1) A principal and a vice-principal shall be members of a branch affiliate.

(2) Notwithstanding subsection 1, in the event of a strike by the members of a branch affiliate, each principal and vice-principal who is a member of the branch affiliate shall remain on duty during the strike, or any related lockout, or state of lockout, or closing of a school or schools.

**Mr. Chairman:** The hon. member for York Centre.



**Mr. Deacon:** Mr. Chairman, I'm disappointed that this amendment to the original clause really does nothing more than give the principals and vice-principals an opportunity to vote on a strike in which they cannot participate. I don't think that's any opportunity; it's a contradiction. I think that it is certainly one of the most disappointing amendments the minister could bring in under the guise of an improvement.

I would like to know, Mr. Chairman, where it would be that we could bring in an amendment to section 65 as proposed by the minister. Where should we do that? At what period should we do it? We can't vote on this one because, otherwise—

**Hon. Mr. Wells:** Just vote against it.

**Mr. Deacon:** We want to put in our own amendment to clause 65.

**Mr. Chairman:** I would assume that you would vote on the minister's amendment first.

**Mr. Deacon:** If it carries, we have no further opportunity.

**Mr. Chairman:** If it's defeated—I would assume that your amendment takes an opposite position to the minister's amendment.

**Mr. Deacon:** My amendment moves that there be an alternative section 65 to the one proposed by the minister, which would be deleted.

**Mr. Chairman:** Your amendment is to delete?

**Mr. Deacon:** Right, and substitute another clause.

The amendment I move is: "be deleted and the following substituted therefor." It would, therefore, be a complete change from the clause which the minister put in.

**Mr. Chairman:** Perhaps we can deal with this as a sub-amendment then.

**Mr. Deacon:** Shall I put it now as a sub-amendment?

**Mr. Chairman:** You can put it as a sub-amendment and then we'll deal with it.

**Mr. Deacon:** moves that Hon. Mr. Wells' amendment to section 65 be deleted and the following substituted therefor:

(1) On the first day of the five-day period referred to in clause 64(1)(f), the branch affiliates shall register with the education commission a list of affiliate members, one per school, who will act as liaison officers

among the teachers, parents and students for the duration of the strike.

(2) Each affiliate member who will be named must

(a) hold a permanent contract with the board;

(b) possess a permanent teaching certificate;

(c) have served on a staff of the school for which she or he is named for at least one year.

(3)(a) It is a duty of the liaison officer to be in a school during normal school hours to act in her or his capacity as a liaison officer.

(b) It is the duty of a liaison officer to perform such other liaison duties as determined by the education committee.

(4)(a) The liaison officer shall not be paid by the board;

(b) The board may assign its own supervisory officer, or officers in lieu of one or more of the liaison officers.

**Hon. Mr. Grossman:** Is that an amendment or a new bill?

**Hon. Mr. Wells:** Mr. Chairman, that certainly isn't an amendment to my motion.

**Hon. Mr. Grossman:** It's a new bill.

**Hon. Mr. Wells:** It's a completely new section 65, and I would submit it certainly couldn't be tagged as an amendment to the one that I've presented.

**Mr. Ferrier:** I'd let the Chairman rule on that one.

**Hon. Mr. Grossman:** With a firm hand.

**Mr. F. Drea** (Scarborough Centre): And a loud voice.

**Mr. Samis:** The donkeys will be proud of him.

**Mr. Ferrier:** We're looking for some direction from the Chair.

**Mr. Foulds:** Give him time to read the new bill.

**Mr. Deacon:** Perhaps, Mr. Chairman, we could deal with the minister's amendment and then the section will stand as amended; then we have the right to amend the minister's amended clause, which will mean a deletion.

**Mr. Chairman:** I think it's out of order, but if it would expedite things we could be a little out of order.

**Mr. Foulds:** Are you ruling it out of order?

**Hon. Mr. Wells:** Mr. Chairman, the hon. member's amendment is certainly not an amendment to my amendment at this time. Are you suggesting that perhaps we be a little out of order and take his motion as an amendment to my motion?

**Mr. Chairman:** It was my intention that we should deal first with your amendment to the section. Then we could see if the committee wished to—

**Mr. Reid:** No. Mr. Chairman, on a point of order, the parliamentary procedure is to deal with the sub-amendment and if the sub-amendment does not carry then the amendment does carry, as I understand it.

**Hon. Mr. Wells:** Only if it is in order.

**Mr. Reid:** If the sub-amendment, of course, is in order, which I believe it is, we have to deal with the sub-amendment first before we deal with the amendment of the minister.

**Mr. Foulds:** I am going to present you with another conundrum, Mr. Chairman. I too have an amendment that is, I must admit, substantially different from the purported sub-amendment, which I think the minister, on the point of order, is correct on.

**Hon. Mr. Grossman:** Rule they are both out of order.

**Mr. Ferrier:** Let's just delete the section.

**Mr. Foulds:** Why don't we just delete the section, yes.

**Mr. Reid:** We will vote for that.

**Mr. Foulds:** The other thing is, I want to see what you rule on this, but while you are ruling you should be conscious that if you rule this one in order I've got one to go too, and then—

**Hon. Mr. Grossman:** Is that a threat?

**Mr. Foulds:** —you are really going to face a problem, because if the sub-amendment to the sub-amendment is defeated, does that mean the sub-amendment is carried?

**Mr. Reid:** No.

**Mr. Foulds:** Oh.

**Mr. Chairman:** Perhaps at the present time we might have some debate on the minister's amendment, while the Chair reaches a decision on considering the sub-amendment.

**Mr. Reid:** Mr. Chairman, on a point of order, we can't do that. That's a very nice compromise but we can't do that. Either the sub-amendment is in order or it isn't. If it is, we have to debate—

**Mr. M. Gaunt (Huron-Bruce):** You have to debate it then vote on it.

**Mr. Reid:** Under the parliamentary rules we have to debate the sub-amendment. I would suggest to you, sir, this sub-amendment is in order.

**Hon. Mr. Grossman:** You just happen to be biased, that's all.

**Mr. Foulds:** I think we should have a five-minute recess while the chairman sorts it out.

**Hon. Mr. Grossman:** Why don't you give the chairman time to think about it?

**Mr. Deacon:** Mr. Chairman, on a point of order, what I suggested was that we deal with the minister's amendment and then treat it as if that is the original clause that is presented to the committee for consideration. Then we have the normal opportunity we would have had if the minister had presented his amendment earlier; we would have had the normal opportunity to amend it in this form.

**Mr. Chairman:** If the hon. members of the committee will bear with me, I am looking at the amendment moved by the minister. It refers to principals and vice-principals. Upon reading Mr. Deacon's amendment I find no reference to principals or vice-principals, and consequently I would think that his amendment would be out of order on this section.

**Mr. Foulds:** Good ruling, Mr. Chairman. I would, therefore, move a sub-amendment that—

**Mr. Reid:** On a point of order, Mr. Chairman—

**Mr. Ferrier:** You can't challenge the ruling.

**Mr. Chairman:** The chairman's ruling is not debatable.

**Mr. Reid:** It is, Mr. Chairman. I respectfully say that in the committee of the whole House the chairman's ruling is challengeable.

**Mr. Chairman:** It's challengeable, but not debatable.

**Mr. Reid:** All right. We rise then, Mr. Chairman, to challenge your ruling.

**Mr. Deacon:** Mr. Chairman, in challenging this I want to point out to you that were the minister to—

Interjections by hon. members.

**Mr. Chairman:** Order, please. I again suggest to you that the chairman's ruling is not debatable and I would, therefore—

**Mr. Deacon:** I would like to be able to state why I am challenging your ruling. The reason I am challenging it is—

Interjections by hon. members.

**Mr. Chairman:** Order, please, there is no debate on the chairman's ruling. All those in favour of the chairman's ruling—

**Mr. Reid:** No, Mr. Chairman, on a point of order, the only thing that is not challengeable is the Speaker's ruling.

**Mr. Chairman:** Order, please; there is no point or order during—

**Mr. Reid:** The chairman's ruling is challengeable.

**Hon. Mr. Grossman:** The vote is being taken.

**Mr. Chairman:** Order, please.

**An hon. member:** He ought to be able to challenge it.

**Mr. J. E. Stokes (Thunder Bay):** Well, challenge it.

**Mr. Reid:** All right.

**Mr. Foulds:** He can challenge the Speaker's ruling.

**Mr. Reid:** The chairman's ruling is challengeable.

**Mr. Chairman:** Order, please.

The committee divided on the Chairman's ruling, which was upheld on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 47; the "nays" are 10.

**Mr. Chairman:** I declare the ruling upheld.

**Mr. Deacon** moves that subsection 2 of clause 65 be deleted and the following substituted therefor:

(2) On the first day of the five-day period referred to in 64(1)(f) the branch affiliate or affiliates shall register with the Education Commission a list of affiliate members, one per school, who will act as liaison officers among the teachers, parents, students for the duration of the strike.

**Mr. Deacon:** I would also like to add a new subsection, as subsection 3—

**Mr. Chairman:** Order, please. Perhaps we could deal with the amendment that the member for York Centre has moved—

**Hon. Mr. Grossman:** That's in another bill altogether.

**Mr. Laughren:** Does the Provincial Secretary for Resources Development want to take part in this debate?

**Mr. Chairman:** —to delete section 2 of the minister's amendment. Then if you wish to introduce that as a new section that would be dealt with that way.

**Hon. Mr. Grossman:** Better introduce a new bill.

**Mr. Deacon:** I will just move to delete this subsection 2.

**Mr. Foulds:** Mr. Chairman, on a point of order.

**Mr. Chairman:** The hon. member for Port Arthur on a point of order.

**Mr. Foulds:** I believe the member for York Centre has an amendment to subsection 2. I have an amendment to subsection 1.

**Mr. Reid:** It is too late.

**Mr. Foulds:** No, it is not. And I would ask you—

**Mr. M. C. Germa (Sudbury):** Not to challenge it.

**Mr. Foulds:** —to consider it and you can make a ruling on it.

**Mr. R. K. McNeil (Elgin):** Make a ruling and then consider it.

**Mr. Foulds** moves that section 65 as proposed by the minister be deleted and the following substituted therefor:

A principal and vice-principal shall enjoy all responsibilities and privileges of membership in an affiliate and shall have the right to take part in a strike vote and a strike.

**Mr. Samis:** Good amendment. Right to the point.

**Mr. D. H. Morrow (Ottawa West):** Let's get to the heart of the matter.

**Mr. Reid:** That's right, this is out of order.



Interjections by hon. members.

**Mr. Chairman:** Does any other member wish to speak to the member for Port Arthur's sub-amendment?

**Mr. Foulds:** Thank you, Mr. Chairman.

**Mr. Chairman:** I don't want to rule on it until I read it.

Interjections by hon. members.

**Mr. Maeck:** It doesn't really matter. We're going to vote it down anyway.

**Mr. Chairman:** This proposal by Mr. Foulds is contrary to the minister's amendment and it would seem that all that you have to do is vote to defeat the minister's amendment.

**Mr. Reid:** Mr. Chairman, you don't have to vote against it. The sub-amendment is out of order.

**Mr. Foulds:** If the member for Rainy River would listen—

**Mr. Chairman:** Order, please. That's what the Chairman said. I was referring to the minister's amendment.

**Mr. Foulds:** Mr. Chairman, you have ruled the amendment that I proposed out of order and I accept your ruling on that. I would therefore deem it not to have been put. Therefore, I would move that in section 65(2), as moved by the minister, the words "or an alternate person designated by the Education Relations Commission" be added in line 4 of section 65(2) after the word "vice-principal" and before the word "who." That, I believe, is in order, as it is a genuine amendment to the amendment.

**Mrs. Campbell:** On a point of order, Mr. Chairman. I suggest you cannot accept that sub-amendment when you already have a sub-amendment before you.

**Mr. Deacon:** On a point of order. My sub-amendment is that section 65, as introduced by the minister, be amended by the deletion of subsection 2.

**Mrs. Campbell:** That was placed first.

**Mr. Chairman:** Order, please. It would seem to the Chair that we should vote on Mr. Deacon's amendment to delete subsection 2. Then we can deal with any amendment to substitute or make any addition in its place, which would then be the one that I have just been given.

**Mr. Foulds:** Mr. Chairman, can I have a word of clarification from the member for York Centre? Is it his intention to substitute anything else or just delete the section in its entirety?

**Mr. Deacon:** Just delete the section.

**Mrs. Campbell:** And subsequently he gave notice.

**Mr. Deacon:** When I first introduced this, Mr. Chairman, I indicated that I wanted to substitute other subsections, and it was your view we should vote on the deletion first—

**Mrs. Campbell:** And then you would have the right—

**Mr. Deacon:** —and then I would have the right to introduce these replacement subsections.

**Mr. Reid:** That's according to the rules.

**Hon. Mr. Wells:** Only if his motion to delete is carried, but it is unlikely to be carried.

**Mr. Reid:** You never know.

**Mr. Chairman:** It would seem that if you are successful in deleting subsection 2, then you would have the opportunity to propose your subsections; but I think we have to deal first with the amendment to delete the section.

**Mr. Foulds:** Mr. Chairman, all I want to know is what procedure will be followed. I have suggested an amendment as well, which I believe you have accepted. Now the member for York Centre has an amendment. If his amendment is carried, then my amendment is gone. Is that correct?

**Mr. Drea:** That's right.

**Mr. Foulds:** If that is so, surely you should put the sub-sub-amendment, i.e., the one that I put to you first.

**Mrs. Campbell:** You can't put a sub-sub-amendment.

**Mr. Foulds:** Why not?

**Mr. Reid:** It's not in the rules.

**Mr. Deans:** Mr. Chairman, if I may, I would like to say that if the intent of an amendment is to eliminate the section and that amendment carries, then of course a substitute section could be introduced. If the intent of the amendment is to eliminate a section and that amendment is defeated, that is the end of the debate on that section. I would therefore ask you to consider whether

an amendment to actually amend the existing section is not, therefore, more in order—it would leave the section still there for debate purposes—than an amendment to eliminate the section altogether.

**Hon. Mr. Grossman:** That's practically a new bill.

**Mr. Deans:** An amendment to delete the section is no different from voting against the section entirely.

**Hon. Mr. Grossman:** Mr. Chairman, let's vote on the damn thing.

**Mr. Deans:** Let's find out; I've got to know.

**Hon. Mr. Grossman:** Let's vote on it without prejudice to setting a precedent.

**Mr. Deans:** My understanding is that if a person doesn't want a section to remain in the bill they vote against it.

**Mr. Samis:** That's correct.

Interjections by hon. members.

**Mr. Deans:** Could I please have the chairman's attention?

**Mr. Chairman:** Yes.

**Mr. Deans:** My understanding of the rules is that if a member doesn't want a section to remain in the bill, you do not vote to delete it but rather you vote against the section and that eliminates the section. The move to delete is not therefore an amendment. An amendment has to leave the section substantially intact; not amend the principle but rather amend other matters related to the principle. An amendment to delete the section is not, in fact, an amendment at all. The only way you can delete a section is to vote against the section in its entirety.

**Hon. Mr. Grossman:** Do you mind repeating that?

**Mr. Chairman:** Order, please. It is my understanding that you can't move an amendment to delete a whole section but you can for a subsection. It would seem to me that we have to deal with two things: No. 1, Mr. Deacon's amendment to delete the subsection. If that amendment is lost then we can deal with Mr. Foulds' amendment to add words to the subsection.

**Mrs. Campbell:** We have one to add, too.

**Mr. Deacon:** Mr. Chairman, as I understand it, when I first moved that subsection 2 be deleted I substituted a series of clauses

which you felt I should not proceed with at that time. What is going to happen now? We are going to vote on the deletion of the subsection, are we? And then I will have an opportunity to put another in.

**Mr. Chairman:** It was my understanding—and I would repeat what I said—that we should deal with Mr. Deacon's amendment to withdraw subsection 2, or cancel subsection 2. If this amendment is lost, Mr. Foulds could move an amendment to add the words to the amendment as it stands.

However, it seemed to me at the time when we were speaking earlier that your section should be considered a new section because it doesn't deal with principals and vice-principals.

**Mr. Deacon:** Mr. Chairman, the reason I felt it belonged here was that what I substituted was, in effect, substituting what the minister has put in here dealing with remaining on duty. As I understand it, the purpose of this section was to ensure there were people available to remain on duty during a strike in any school. The subsection I had to replace subsection 2 provided for that and that's why I felt it belonged in that particular section.

**Mr. Chairman:** I have indicated how I intend to proceed and deal with it. I think the hon. member should deal with it as a new section and renumber it.

All those in favour of Mr. Deacon's amendment please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

**Mr. Deacon:** We don't have to vote; stack it.

**Mr. Foulds:** This presents a very real problem. You cannot stack this particular vote, because I have an amendment that I wish to put.

**Mr. Henderson:** Call in the members.

Interjections by hon. members.

**Mr. Foulds:** And you have just ruled previously—

Interjections by hon. members.

**Mr. Foulds:** Excuse me. Could you bring some order to the committee, Mr. Chairman?

**Mr. B. Gilbertson (Algoma):** Sit down.

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Foulds:** You have just ruled previously I could put my amendment if this one was defeated. We will not know whether it's defeated or not until the vote is actually taken.

May I suggest to you, we have all of the members in the House who are going to be in the House if the division is called and we take the vote now?

**Mr. R. D. Kennedy (Peel South):** How do you know?

**Mr. Foulds:** You've already lost some.

**Mr. Breithaupt:** Mr. Chairman, it's somewhat impractical, but I would suggest that if the House could agree to accept the comments of the member for Port Arthur on this particular item, which might prove to be a sub-amendment, if, when the times comes, the amendment as put by the member for York Centre is lost, then the matter could be dealt with—at least the debate could be concluded with at this point.

**Mr. Chairman:** Agreed?

Some hon. members: No.

**Mr. Foulds:** I'm not quite satisfied.

**Mr. Chairman:** I think the hon. House leader for the official opposition had indicated that, if, when the votes were stacked, Mr. Deacon's amendment was lost, then we would deal with it at that time.

**Mr. Foulds:** Then we could put this one?

**Mr. Deans:** But you will accept the sub-amendment as being put and then, when you come to that stage in the voting, if that vote is lost, the sub-amendment will be put.

**Mr. Chairman:** Agreed?

Agreed.

**Mr. Chairman:** Shall I read Mr. Foulds' sub-amendment to section 2?

**Mr. Foulds:** Yes.

**Mr. Chairman:** It was moved that in clause 65(2) as moved by the minister the words "or an alternate person designated by the education relations commission" be added on line 4 of clause 65(2) after the word "vice-principal" and before the word "who."

**Mr. Foulds:** Yes, Mr. Chairman. I will speak very briefly on this. I would have pre-

ferred the original amendment I suggested, which was ruled out of order. I spoke at length on clause 1(h) about the whole matter of principals and vice-principals, so I will not repeat those arguments.

I believe that they should be full members of the affiliate with full rights in the affiliate. The amendment that I proposed at this time is a last ditch and, I'm afraid, a lost cause. But I want to put it because it does represent a position of compromise that was almost achieved last Monday night in the standing committee outside the House.

This would meet some of the objections that have been put by the various teachers' organizations about the isolation of the principal and the vice-principal from their colleagues. I don't intend to go on at length about what those arguments are, but it would mean that the principal or vice-principal would not automatically be excluded from taking part in a strike if a substitute, or alternate person, was designated by the Education Relations Commission to take care of those necessary custodial functions in the school.

The basic point is this, Mr. Chairman. I admit that there are some functions that are necessary. I do not think they are essential for the health and safety of the community. It is only in those cases where the health and safety of the community are in danger that we should refuse the right to strike to any working group, even if they are principals and vice-principals.

This compromise that I have suggested in this amendment—and I suggest it reluctantly and very much as a compromise and not what I would like to see as an ideal, means that those necessary custodial functions that have been particularly argued and that are necessary at the elementary level could take place. It would mean that the principals and vice-principals would continue to view themselves primarily as head teachers, that their colleagues would do the same, and that the community and the students would view them primarily as principal teachers. It would not, as I say, break the development towards collegiality that has taken place between the principals, vice-principals and their staffs and would allow those principals and those vice-principals, who felt as a matter of conscience that they should, to take part in the strike and should allow someone else to assume those responsibilities during the term that they are locked out or they are striking.

I said earlier in the debate that I was going to read into the record the duties of the principal and vice-principal. I won't do



that, but there are three or four things in regulation 191 which is the basis the minister has used for designating, if you like, specifically principals and vice-principals as not going out on strike.

Let me first say there is no quarrel that the principals and vice-principals have some administrative function, there's no quarrel about that. The quarrel is over whether they are managers and management, or whether their principal function is an educational function as head or principal teacher. We would argue that their principal function is an educational function, that of head teacher.

In their duties as principals spelled out in regulation 191, section 4, are such things as this: "A principal shall make recommendations to the board respecting additions or alterations to the school building." Is that essential during the term of a strike or a lockout? No.

"The principal shall inspect the school premises regularly and report promptly to the secretary of the board any repairs required and any lack of attention on the part of the caretaker." Is that essential during the term of a strike? And I think the answer must be no.

**Mr. H. C. Parrott (Oxford):** Wrong.

**Mr. Foulds:** "A principal shall instruct the pupils in the care of the school premises." Is that essential during the term of a strike? And so on. I think you could go through them and find that essentiality does not apply to any of those duties during the term of a strike.

Among other duties—and I want to make a comparison here—the principal is responsible for devising budgets, delegating duties to the vice-principals, department heads and so on. He is responsible for "calling meetings of the teachers to discuss matters relating to the management and organization of the school"; and he is, "responsible to submit to the board an annual budget for supplies and equipment." Those things are not only not essential during the term of a strike, but they are very similar to the duties outlined for a head of department who is not included, who can go out on strike. A head of department shall, for example, Mr. Chairman:

... assist the principal, in co-operation with the heads of other departments, in the general organization and management of the school. The head of a department shall assist the principal in planning additions or alterations to school buildings and assist the principal in recommending appointments to the teaching staff of a department

under his jurisdiction. The head of a department shall be responsible to the principal for the organization and direction of his department. He shall supervise the preparation of details of courses of study. He shall supervise the preparation of the examinations for his department.

In other words, his duties on a smaller scale are very similar to the duties of a principal. I think it is inconsistent that the principals and vice-principals should be included as not having the right to go out on strike when heads of departments do, and rightly so.

The minister has made the right decision about heads of departments. I would hope that he would make the right decision about principals and vice-principals and allow them at least the flexibility the amendment suggests.

**Mr. Chairman:** The member for Scarborough Centre and then the hon. member for Rainy River.

**Mr. Drea:** Mr. Chairman, I rise to speak against the amendment to the minister's amendment.

**Mrs. Campbell:** But this isn't an amendment.

**Mr. Drea:** Well, sub-amendment—or whatever it is.

**Mr. Foulds:** The member for Scarborough Centre is right.

**Mr. Drea:** It's an amendment.

The member for St. George lost track in view of some of the romantic endeavours here tonight; and I can hardly fault her.

**Mrs. Campbell:** Oh no, we didn't lose track.

**Mr. Chairman:** Order, please. Will the hon. member return to the amendment?

**Mr. Drea:** Mr. Chairman, as I was saying, I rise to voice my opposition to the amendment to the minister's amendment.

Mr. Chairman, in the minister's amendment, it seems to me that in the field of labour relations, and particularly in this aspect of it, in the educational field, the minister has taken due recognition of the fact that there is a distinctive difference between the manner in which the principal and the vice-principal operate within that system compared to what a foreman and a sub-foreman or a supervisor or a vice-supervisor would operate within the terms and meanings of the Labour Relations Act.

It has been brought to the attention of the members of the Legislature by the principals and by the vice-principals themselves that they are deeply concerned about the fact that to deny them the full meaning of their procedures within the affiliates to which they belong would be building a wall that might indeed impair in the future the growing trend towards collegiality within the school system.

Notwithstanding that, Mr. Chairman, there is the principle that a principal in a school system, and a vice-principal, are paid higher than teachers and higher than department heads. They have specific duties and specific obligations. To allow them to participate in a physical strike—and I say physical strike where all the services are withdrawn since I'm not talking about the work-to-rule—would really be an infringement of the role of the principal because he is not just a teacher and he is not just an administrator, he is the liaison between the school system and the parent and the community. Somebody has to be there in the event that the other teachers are exercising their rights under this Act to withdraw their services totally.

By the same token, Mr. Chairman, if this was conventional labour relations it could be argued that the principal and the vice-principal do indeed exercise supervisory and managerial functions and, therefore, should have no role in the determination by the bargaining unit as to what their course of action would be. Again, it has been amply demonstrated, both in committee and in private sessions with the people directly involved, the principals and the vice-principals, that in the educational field there is a difference. One of the differences is that they are compelled by statute to belong to the affiliate. Therefore, since the statute requires them to belong to an affiliate, it would seem to me a denial of their rights if they were not permitted to participate fully in all of the activities and in all of the determinations of the affiliate, except if the occasion arose that a physical walkout or a physical withdrawal of services formally took place.

**Mr. Reid:** How do you resolve that contradiction now?

**Mr. Drea:** I think in his amendment the minister has resolved it very well. He is saying on the one hand you can exercise all of the prerogatives, all of the decision-making in the affiliate, and the reason for that is you are compelled by statute to belong to the affiliate. On the other hand, if the ultimate takes place and there is a physical with-

drawal of services you, by virtue of your job—

**Mr. Reid:** You are not arguing authorities.

Interjections by hon. members.

**Mr. Drea:** —have an overriding sense of duty and obligation to the community and you will serve as a liaison person. I think that is a very effective way of dealing with a particularly novel situation in formalized labour relations. I don't think it would really be applicable to any other field except perhaps as a part of education.

**Mr. Reid:** You can't name one where that obtains. Where else?

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Drea:** I was going to say, Mr. Chairman, before I was so rudely interrupted by someone who obviously is making his farewell to the Legislature tonight—

**Mr. Chairman:** Order, please. Will the hon. member return to the subject at hand?

**Mr. Drea:** In the particular field of education to which I am attached, at the university level, the Labour Relations Board of the province has just ruled in a very positive way concerning collegiality where the department head—

**Mr. Foulds:** What are you talking about?

**Mr. Drea:** I am talking about the Labour Relations Board decision involving the university teachers at Carleton University—that's at a higher level of education.

**Mr. Samis:** Why don't we stick with this?

**Mr. Reid:** How are you attached to the higher levels of education?

**Mr. Chairman:** Order, please. Would the hon. member return to the point at hand?

**Mr. Drea:** I am saying, Mr. Chairman, and I think is perfectly valid in the case, that in no other field, except the field of education, could such a situation arise. I am drawing a comparison at the level of colleges and universities where the impact of collegiality and decision-making has been recognized formally by a decision of the Labour Relations Board. I think in this particular area the minister has recognized, in the amendment, the very difficult determination as to where the principal and the vice-principal fit when the final aspect of a labour dispute in the system comes about.



The reason I oppose the amendment is because I think, on principle, there is a difference between a principal and a vice-principal and the rest of the staff in the educational institution for 365 days of the year. To allow the Education Commission to designate whether it will be the phys ed teacher or the principal or the vice-principal who will serve as liaison erodes and destroys not only the traditional but the present role of the principal and the vice-principal within the school.

I think the amendment put forward by the minister makes much of the feelings put forward by principals and vice-principals in this province, concerning their role, not just in labour relations but within the entire educational system. I think it recognizes, too, that the bill we are debating tonight, while it is labour relations, is different and distinct from what is contained in the Labour Relations Act and in various other labour statutes of this province. Therefore, while opposing the amendment because I think it erodes the particular position of the principal and the vice-principal, I think the minister's amendment covers the situation very adequately.

**Mr. Chairman:** The hon. member for Rainy River.

**Mr. Reid:** Thank you, Mr. Chairman. If I had had any doubt as to the validity of what the opposition is saying in this regard, they have certainly been wiped out by the remarks of the member for Scarborough Centre as usual. If one looks at the amendment as proposed by the Minister of Education to section 65 and the section that was proposed in the original bill, any fair, normal, rational-thinking human being would be amazed, if not amused, at the essential contradiction that is proposed by that amendment. On the one hand, the minister says they are part of the bargaining unit and, on the other hand, he says they are not allowed to take part in the operations, manifestations, programmes or whatever of that bargaining unit.

**Hon. Mr. Wells:** No, that doesn't say that.

**Mr. Reid:** That's what you're saying in your amendment.

**Hon. Mr. Wells:** You are so dense.

**Mr. Reid:** We can accept that kind of argument from the member for Scarborough Centre who is usually confused at the best of times but the Minister of Education has thousands of civil servants behind him who can give him rational advice. We accept what the member for Scarborough Centre—

**Hon. Mr. Wells:** You are showing your stupidity.

**Mr. Reid:** —says because he doesn't know any better but you've got competent people in your ministry. What does the amendment say? It says, "65(1) A principal and a vice-principal—

**Mr. Chairman:** Order, please.

**Mr. Gilbertson:** We have heard it for a month. Why doesn't the member sit down?

**Mr. Drea:** There is just one thing here; the guy is going bye-bye, I can't get mad at him.

**Mr. Gilbertson:** You are not telling us anything new.

**Mr. Chairman:** Let the hon. member for Rainy River continue.

**Mr. Reid:** Mr. Chairman, if I was running against the member for Scarborough Centre, I would merely—

**Hon. Mr. Wells:** They love him in Scarborough Centre.

**Mr. Reid:** —send his constituents copies of Hansard with his remarks in this House. I would be sure that that alone would defeat him.

**Mr. J. Riddell (Huron):** Let the member for Scarborough Centre not be too confident.

**Mr. Chairman:** Order, please. Would the hon. member return to the amendment to the amendment, please?

**Mr. Reid:** Mr. Chairman, I'm saying that subsections 1 and 2 are mutually exclusive. The minister moved that section 65 of the bill be amended to read: "65(1) A principal and a vice-principal shall be members of a branch affiliate." If we stop at that point, most people who have anything to do with labour relations in the Province of Ontario would assume that the vice-principal and the principal in those circumstances would be members of the union, if you want to call it that, or whatever you want to call it, and members of the bargaining unit and they would have the full and proper responsibilities and privileges of any member of that bargaining unit. That's the first point.

**Hon. Mr. Wells:** And that they have.

**Mr. Reid:** And that they don't have.

**Hon. Mr. Wells:** They have.

**Mr. Reid:** They don't have. How can the minister say that when he says in subsection



2 that they do not have the right to go on strike?

**Hon. Mr. Wells:** You said the full responsibilities of any member and they have got that.

**Mr. Reid:** I would put it, Mr. Chairman, to any member in the House, if we did away with clause 2 and if I went up to any member, not only of the Legislature but any member of the public and said—

**Mr. Gilbertson:** You have been away for two or three weeks.

**Mr. Reid:** —Joe Blow, principal of a high school or a public school, is a member of such and such teachers' bargaining unit and by subsection 1 of section 65 of the bill he has the full rights to be a member of a branch affiliate of any bargaining unit," and then if I were to say to him, "What does that mean?" I am sure any member of the public would say, "Well, that means that he is represented by that bargaining unit. He has the right to be represented by that bargaining unit in labour negotiations, in salaries, fringe benefits, working conditions and anything that the collective agreement provides for."

If I said, "Does that give him the right to go on strike?" in the Province of Ontario, 99 out of 100 people would say, "Certainly that follows, because if you're a member of a bargaining unit under a collective agreement, and in the Province of Ontario we do not restrict people from going on strike, if he is a member of the bargaining unit then it obviously follows that he has a right and a privilege to go on strike."

**Mr. Drea:** Civil servants—

**Mr. Reid:** As a member of the bargaining unit, that's one of his rights and privileges.

Interjection by an hon. member.

**Mr. Reid:** Now, if the minister or the member for Scarborough Centre or any of these people who pound their desks in the rump can tell me of different situations, I'd be glad to hear them, but there aren't any.

**Hon. Mr. Wells:** Read subsection 2.

**Mr. Reid:** I have read subsection 2, and what you are saying in subsection 2 is that they shall not go on strike.

**Hon. Mr. Wells:** We had a good debate until you started.

**Mr. Reid:** You have changed the wording, but it doesn't mean anything different from what it meant in the original bill. The principal and the vice-principal do not have the full privileges of being members of that bargaining unit because they do not have the ultimate weapon, which is to go on strike. Now, that is just a logical argument.

We don't have to get into the other arguments. But it flows from subsection 1 of section 65 that they are full members of the bargaining unit. They have the right to be represented. They have the right to have somebody negotiate on their behalf. It's concomitant to the rest of it that if they don't like what's bargained for them, or what the board of trustees presents, then they have the ultimate right to go on strike because they don't like what's offered to them.

Regardless of the merits of whether they should or shouldn't, if the minister is going to propose subsection 1 of section 65, then obviously the rest follows.

Now, I spoke on this section on second reading of the bill. I think I put my position, but obviously it needs putting again.

**Mr. Samis:** No, it doesn't at all.

**Mr. Reid:** But the problem is—

**Mr. J. M. Turner (Peterborough):** Oh, come on.

**Hon. Mr. Wells:** We unanimously agree it doesn't.

**Mr. Reid:** All but one, in that case.

**Mr. Riddell:** If the truth were known, the minister agrees with him.

**Mr. Reid:** If the minister—

**Hon. Mr. Wells:** Even your colleagues disagree.

**Mr. Reid:** No, no, my colleagues didn't. These people on the left who agreed to pass this bill with the minimum of fuss—

**Mr. Turner:** Oh, come off it.

Interjections by hon. members.

**Mr. Ferrier:** You should have recorded the debate in standing committee.

**An hon. member:** You are wasting time.

**Mr. Chairman:** Order, please.

**An hon. member:** He's been doing it all evening.

Interjections by hon. members.

**Mrs. Campbell:** You are getting to them.

**Mr. Reid:** The member for Port Arthur is so concerned about this bill, it's rather strange to hear him complaining about somebody who is taking up the position of the vice-principals and the principals. If he is not in favour of them, he is going to have, **Mr. Chairman—**

Interjections by hon. members.

**Mr. Foulds:** Mind you, it is good to see you in a position firmly on one side for a change.

**Mr. Reid:** Ah, Mr. Chairman, if that particular member is not prepared to stand up for these people, well, we are. And I am only reiterating—

**Mr. Foulds:** The only reason you are prompted to stand up is because you had a little too much stimulant tonight.

**Mr. Samis:** You're regurgitating and you know it.

**Mr. Reid:** I am only reiterating, Mr. Chairman, the remarks I made on second reading on the principle of the bill.

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Reid:** It surprises me, Mr. Chairman, that the minister has seen fit to change section 71 dealing with the voluntary and involuntary business of extracurricular activities; he has gone that far. One could philosophically find some agreement with the minister, Mr. Chairman, had he said at one point or other, "All right, the principals and vice-principals are not part of the bargaining unit." That would be a clear and defined and logical position. But when he says in section 1 that they are part of the bargaining position, or of the bargaining affiliate—

**Mr. Samis:** We heard this three weeks ago.

**Mr. Ferrier:** The member is getting repetitious.

**Mr. Reid:** —then it follows automatically and logically—

**Mr. Foulds:** Let him go on. I think he has got his feet firmly planted on both sides of the fence.

**An hon. member:** You are right, too. You are right.

**An hon. member:** The member for Rainy River is getting to them.

**Mr. Chairman:** Order, please. Will the hon. member for Rainy River continue?

**Mr. Samis:** Speak to the sub-amendment.

**Mr. Chairman:** And speak to the sub-amendment.

**Mr. Reid:** Thank you, Mr. Chairman, and if you could keep this barracking down from those who have very little to say on the amendment, I would appreciate it.

**Mr. Ferrier:** Your speech is like the margin note in the preacher's manuscript: "Argument weak; shout like hell!"

**Mr. Reid:** Mr. Chairman, the whole question boils down to this: In section 65(1) the minister has said very distinctly that principals and vice-principals shall be members of a branch affiliate, which therefore gives them the rights and privileges of belonging, let us say, to that bargaining unit or union.

**Mr. Turner:** You've said that three times already.

**Mr. Reid:** In section 65(2) the minister turns around and takes away the rights and privileges of the principals and vice-principals to belong to that bargaining unit and to come under that collective agreement.

Nowhere else, to my knowledge, in any collective agreement in the Province of Ontario or, as the Premier (Mr. Davis) is fond of saying, in any other jurisdiction, do you give people these rights and privileges on the one hand and take them away on the other hand.

What the minister has done by section 65 has made the principals and vice-principals neither fish nor fowl. We have gone through the arguments about why the principals and vice-principals wholly and 100 per cent should be members of the bargaining unit, with all the rights and privileges thereto.

**Mr. Samis:** That's not the way the agreement was.

**Mr. Reid:** All right. You didn't want to hear them earlier; you are going to hear them now. The first argument of course, Mr. Chairman—

**Mr. Drea:** You don't know what you're talking about.

**Mr. Samis:** Come off it.

**Mr. Reid:** Well, I listened to the member for Scarborough Centre ad nauseam, and I would hope he would be prepared to listen to me.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): We really didn't know what the term meant until you stood up, but go ahead.

**Mr. Deans:** Move the committee rise.

**Mr. Reid:** No, we are not going to do that.

**Mr. Deans:** Then we will finish it as a standing committee.

Interjection by an hon. member.

**Mr. Reid:** We are not having any problem—

**Mr. Chairman:** Order, please. Would the hon. member return to the debate on the amendment to the amendment?

**Mr. Reid:** I just want to reiterate two things.

First of all, the principals and vice-principals—particularly the principals—have indicated time and time again that they consider themselves part of the teaching profession and therefore part of the bargaining unit, part of the branch affiliate. They do not consider themselves—to use the term others have used—as part of management. That is the first thing.

Psychologically, they see themselves as principal teachers, completely and inextricably interwoven with the teaching profession; and many of them, as principals, will return to teaching.

We all know what happens within a strike situation. As I have said before, Mr. Chairman, I have great sympathy with the problems of the boards in this regard in that they feel the principals and vice-principals should be management people. Had the minister come down firmly one way or the other it would have made everybody's problem simpler. But he comes down in section 65(1)

and says they are going to be members of the branch affiliate; that in itself makes it crystal clear that therefore they are entitled to the rights and privileges of any other member of the branch affiliate, which includes their ability to go on strike.

I say to you most respectfully, Mr. Chairman, that section 65, subsections 1 and 2, are contradictory and the whole section should be deleted.

Hon. Mr. Winkler moves that the committee rise and report.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, as I announced earlier today, tomorrow we will proceed with the business as it was called. By agreement with the House leaders of the other parties, I shall move a motion tomorrow morning that we will sit until the business of the House is concluded.

I would move the adjournment of the House.

**Mr. Speaker:** Before I place the motion, we didn't quite reach our objective tonight, regarding the invitation which was extended by myself earlier this afternoon, I think we will carry on with it this evening. It's in room 228. We will be pleased to see any and all members who can attend, as well as members of the press.

Hon. Mr. Winkler moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10:30 o'clock, p.m.



---

CONTENTS

---

Thursday, July 17, 1975

School Boards and Teachers Collective Negotiations Act, in committee .....	4151
Motion to adjourn, Mr. Winkler, agreed to .....	4174





# Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Fifth Session of the Twenty-Ninth Legislature

---

Friday, July 18, 1975

---

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1975



## CONTENTS

---

Daily index of proceedings appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff (Phone: 965-2159).

# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JULY 18, 1975

The House met at 10 o'clock, a.m.

Prayers.

**Mr. Speaker:** Statements by the ministry.

Oral questions. The hon. member for Kitchener.

## PICKERING AIRPORT

**Mr. J. R. Breithaupt (Kitchener):** Mr. Speaker, now that the Minister of Transportation and Communications has arrived, I would ask him a question with respect to a report in yesterday's issue of the Guardian, the Brampton newspaper, concerning the comments of the Premier (Mr. Davis) that a one-runway airport at Pickering is satisfactory to the government of Ontario. Can the minister advise if, as a result, the structure of roads and other requirements to service that one-runway airport is now accepted as a project for his ministry?

**Hon. J. R. Rhodes (Minister of Transportation and Communications):** Mr. Speaker, I am certainly not familiar with any comments the Premier may have made. I have not seen that particular newspaper. However, I don't think the position has changed at all from the letter I have sent to Mr. Marchand. A meeting now has been arranged to be held between representatives of the federal government and myself and a number of my colleagues in Ottawa on July 29. The position hasn't changed.

**Mr. D. M. Deacon (York Centre):** A supplementary: Would the reason for the minister's concern—maybe a reason he should pass along to the Premier—be that the province's obligation in connection with a one-runway airport would be in the order of many hundreds of millions of dollars and therefore, unless the federal government indicates it is serious about the need for a full airport, there is no point in the province going ahead with an expenditure for a one-runway airport?

**Hon. Mr. Rhodes:** Mr. Speaker, I think the contents of Mr. Marchand's letter indicate what the federal government's position is as it relates to the Pickering airport; and that it is their intention to develop a full facility airport at Pickering. As I indicated at that time

to the House, it was the first indication we had as to what their total plans were. Originally, they had only talked about one runway.

As far as I am concerned—and this will be a matter that will be discussed with Mr. Marchand—we are looking at what our costs will be as it relates to serving a full airport, which they indicated they intended to develop.

**Mr. Breithaupt:** Supplementary question: Would the minister not agree that the basic requirements for road and other services to service a one-runway airport, if that is acceptable, will in effect mean that these facilities will be in place and will already be committed whether the airport expands or not?

**Hon. Mr. Rhodes:** Mr. Speaker, one of the reasons why we asked Mr. Marchand and his colleagues to outline what the federal government's long-range intentions were is that if you are going to develop a transportation system and facilities to serve an airport, you would have to know what the eventual size of the airport is going to be. It certainly wouldn't make much sense to develop facilities that would serve what would be a one-runway airport, similar to a local municipal airport, and then eventually find that in four or five or six years, whatever the time-frame, you'd have to go back in and develop a whole brand new system. So we want to know the full system that will be required and that's what we will be discussing with the federal government.

**Mr. Speaker:** Any further questions?

Interjections by hon. members.

**Mr. Speaker:** Order, please. The member for Wentworth with a supplementary.

**Mr. I. Deans (Wentworth):** Thank you. Assuming that the federal government tells the minister exactly what its plans are, is the Ontario government then prepared to proceed with the provision of services, roads, sewers and the like, in order to develop whatever it is that they want?

**Hon. Mr. Rhodes:** Mr. Speaker, I have reported to this Legislature the contents of my letter to Mr. Marchand, that the Ontario government is not prepared to commit itself to

the very large expenditure that would be required at this time to service any sort of airport out there.

**Mr. Deans:** Well, why is the minister going through this exercise then?

**Mr. Speaker:** Supplementary: The member for Ottawa East.

**Mr. Deacon:** Any expenditure there would be a waste of public funds.

**Mr. A. J. Roy (Ottawa East):** As a matter of interest, could the minister explain why it took this government three years to make up its mind and obtain the information that it obtained recently from the federal government? Why didn't the Ontario government ask for that information three or four years ago when the airport was originally planned and this government supported it?

**Hon. Mr. Rhodes:** Mr. Speaker, I'm sure the hon. member will appreciate that over that time-frame that he's referring to, that very lengthy and very intricate hearing was held.

**Mr. Roy:** This government wasn't held back by that.

**Hon. Mr. Rhodes:** I'm wondering if the hon. member was sitting somewhere and didn't realize the hearing was going on. I'd be pleased to send him a copy of that.

**Mr. Roy:** This government wasn't held back by that. It was a sham anyway.

**Hon. Mr. Rhodes:** The hearing was held by the federal government to determine the need of an airport in Pickering.

**Mr. Deacon:** This government wouldn't even take part in it.

**Hon. Mr. Rhodes:** That was the Gibson report. If the member hasn't read it—

**Mr. Speaker:** Order, please.

**Hon. Mr. Rhodes:** —then he is asking questions out of a vacuum.

**Mr. Speaker:** The member for Kitchener; further questions?

Interjection by an hon. member.

**Mr. Speaker:** Order, please. This is becoming just a debate. The same question is being reshaped.

**Mr. Deacon:** I just want to ask one further supplementary.

**Mr. Speaker:** One more supplementary; the member for York Centre.

**Mr. Deacon:** Since the statement of the Premier is that the province can cope with a one-runway airport but can't with a full-scale airport, shouldn't the minister be sure the Premier's been fully informed as to the position that he is taking, so they keep together?

**Mr. Roy:** Yes, get together.

**Hon. Mr. Rhodes:** Mr. Speaker, as I say, I have not seen that report. I have not discussed with the Premier what he has said. And I've learned, as I'm sure the hon. members opposite have, that all that appears in the print media is not necessarily accurate.

**Mr. Speaker:** The member for Kitchener; further questions?

## NANTICOKE PARKS

**Mr. Breithaupt:** A question of the Minister of Housing with respect to the draft approval plan for the city of Nanticoke. Apparently, Mr. Speaker, this refers particularly to condition No. 5 in that agreement, if I may expand upon that.

Is it correct that that condition No. 5, which dealt with the ability to give the five per cent payment in lieu of the granting of certain lands for park purposes, has now been unilaterally removed from the agreement? And is it correct, in accordance with a letter apparently sent to Stelco by a senior planner in the subdivision branch—a copy of which has now gone to Nanticoke—that the removal of this condition will in effect allow Stelco to grant certain lands for park purposes within the centre of this industrial park that may not be required, as opposed to the requirement to pay funds for parks which may well be needed in the areas in which the people in this new city are going to live?

**Hon. D. R. Irvine (Minister of Housing):** Mr. Speaker, the hon. member is saying something I am not aware of. I did meet with the municipality in regard to the same matter he is referring to, but I said exactly the opposite, so I would like to see the correspondence that he is referring to from one of our planners.

**Mr. Breithaupt:** If I may, Mr. Speaker, just provide some information, I understand that the letter had come from Mrs. L. S. Punter, who is a senior planner in the subdivision



branch, and that, I believe, is the source of that particular matter.

**Mr. Speaker:** Any further questions?

### SUMMER CONCERT COSTS

**Mr. Breithaupt:** I would just ask a question which I would put, I suppose, to the Chairman of Management Board with respect to the various concerts which are taking place in Queen's Park.

I understand there are 12 concerts as well as the Ontario Day programme, costing some \$225,000. Can the minister advise us if he is aware of who is monitoring these expenses, which are apparently in the nature of \$15,000 to \$17,000 per concert, and whether the attendance at these concerts particularly justifies this expenditure in difficult times apparently, according to the Treasurer (Mr. McKeough).

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Is the question directed to me? I am sorry, I didn't hear the beginning of it. Mr. Speaker, the programme is being administered, if my memory serves me correctly, by the Ministry of Culture and Recreation under a total allocation and they are doing the monitoring.

**Mr. M. Shulman** (High Park): Supplementary, Mr. Speaker?

**Mr. Speaker:** Supplementary; the member for High Park.

**Mr. Shulman:** Does Mr. Donald Martin have any particular part in these concerts? Is it true that the government gave Mr. Martin \$16,000 to run the Strawberry Festival?

**Hon. Mr. Winkler:** I am not sure of that, Mr. Speaker, but I want to assure the hon. member that the Strawberry Festival, or whatever he wants to call it, was a tremendous success. I might say further that I believe, if the figures are correct—and again I will be very close—there were some 14,000 people attended or about that figure anyway. One of the great areas of entertainment was the massed pipe band from Grey county, and I am very pleased about that too.

**Mr. Speaker:** The member for Kitchener.

**Mr. Roy:** Are those strawberry stains on the minister's tie?

**Mr. Speaker:** Order, please. Do we have a supplementary? The member for High Park?

**Mr. Shulman:** Yes, I have a further supplementary, if I may. Is it true that the government actually paid \$100,000 to the Strawberry Festival, and what particularly merited giving \$16,000 of that to Mr. Martin for his services? Is it just because he is a candidate for the Tories?

**Hon. Mr. Winkler:** Mr. Speaker, the hon. gentleman's information is just completely and totally wrong.

**Hon. Mr. Rhodes:** As usual.

**Hon. Mr. Winkler:** I don't have the arithmetic of the costs with me, but I want to tell the member it was nowhere near the figures he is quoting.

**Mr. Shulman:** Then why did the Minister of Community and Social Services (Mr. Brunelle) say those were the figures? Would the minister explain that?

**Hon. Mr. Winkler:** No, I have never heard him use those figures at all.

**Mr. J. E. Stokes** (Thunder Bay): It sounds pretty jammy to me.

**Mr. Speaker:** The member for Kitchener.

**Mr. Breithaupt:** If we are looking into costs, perhaps the minister could advise what the necessity was of repainting the stage out here, which was a very fine red colour, into a Tory blue?

**Hon. Mr. Winkler:** In this year of our Lord, 1975, I think that it is a good thing that it is Tory blue. However, if it will satisfy the hon. gentleman, I might paint the legs red or something of that nature.

**Mr. Roy:** He should have put yellow stripes on it.

**Mr. Speaker:** Any further questions? The member for Wentworth?

### SOUTHERN ONTARIO DEVELOPMENT PLAN

**Mr. Deans:** Mr. Speaker, I have a question of the Minister without Portfolio in charge of municipal affairs, if I could get his chin off his hand.

**Mr. J. A. Renwick** (Riverdale): One can tell because he is scratching his left ear.

**Mr. Deans:** Does the minister recall speaking in Port Hope in March and indicating that there would be a new overall plan for

development for southern Ontario unveiled in the month of June? Where is it?

**Hon. R. B. Beckett** (Minister without Portfolio): Mr. Speaker, I did make that statement because I had been informed that it would be ready by June. It is still being worked on and it is hoped that it will be available shortly. I hesitate to say whether it is going to be a month or a week, because I am not that aware of the latest meeting, but there is another meeting scheduled for next week.

**Mr. Deans:** Supplementary question: Can the minister indicate what methods are being used to co-ordinate the economic development currently taking place in places like Nanticoke, the Hamilton area and the Metropolitan Toronto area in terms of this overall economic plan that the government is proposing? What will be the effect of the decision that will be made by the Minister of Transport in the federal government regarding the Pickering airport on the overall plan that will emerge somehow or other?

**Hon. Mr. Beckett:** Mr. Speaker, in answering the first question I attempted to answer the hon. member with regard to a statement I had made in Port Hope. I feel his second question more properly should be directed to the Treasurer, who is actually the one doing the work covered by the question.

**Mr. P. Taylor** (Carleton East): The Treasurer is one of the 16 ministers who aren't here today.

**Mr. Deans:** A final supplementary question: Since the minister made the statement, can he indicate whether this is the same economic plan that was promised five years ago?

**Hon. Mr. Beckett:** Mr. Speaker, I'm not aware of the economic plan that was promised five years ago.

**Mr. Speaker:** Are there any further questions?

#### MINOR HOCKEY CONTRACTS

**Mr. Deans:** I have a question of the Attorney General. Some time ago I asked the Attorney General to review the whole matter of contracts as they affected minors playing hockey. Has the Attorney General reviewed that? Can he indicate whether he thinks it is reasonable that a child should be required to have a social insurance number in order

to register to play minor hockey in organized leagues in Ontario?

**Hon. J. T. Clement** (Provincial Secretary for Justice): I recall the question very clearly, Mr. Speaker. What we have done to date is to communicate in writing with a number of the leagues involved. I asked the hon. member at the time if he would provide me with a copy of one of these contracts and he did. I must say it's the first time I had ever seen one. I have not had responses back from everyone because of people being away on holidays, but I will complete that and report to the hon. member either by telephone or letter.

Insofar as whether I think it is fair that a child of tender years has a social insurance number, I pass no observation or comment on that because I presume that's necessary under the federal social insurance legislation. If a person is receiving some type of income—

**Mr. Deans:** They're not getting income.

**Hon. Mr. Clement:** —I presume they need a number for identification purposes for one reason or another. I don't know what is offensive in it, therefore I maintain a neutral position. Maybe the member feels it's offensive. I can't quarrel with him, but I'm not saying I find it offensive.

**Mr. Deans:** I find it totally unnecessary.

#### ONTARIO LOTTERY CORP.

**Mr. Deans:** I would like to ask the Chairman of the Management Board of Cabinet whether he has any knowledge of the Wintario corporation's practice of using outside employment agencies to secure people to fill management positions within the Wintario organization? Doesn't he feel that the Civil Service Commission is well suited to do that and that that particular cost is a waste of taxpayers' money and a waste of the money of the Wintario lottery system?

**Hon. Mr. Winkler:** I think the hon. gentleman will know that the corporation acts as an arm's-length corporation from the government and determines its own policies. I will bring it to the attention of the Minister of Culture and Recreation (Mr. Welch).

**Mr. Roy:** If it doesn't, it should now.

**Mr. Speaker:** Are there any further questions?



## FOOD PRICES

**Mr. Deans:** I would like to ask a question of the Provincial Secretary for Resources Development. I would be happy if he would refer it to the parliamentary assistant, who I think probably knows the answer.

Is it still the practice of the Ontario Food Council to monitor the food basket in the Province of Ontario, as was indicated by the Minister of Agriculture and Food some six or eight months ago? If it is, are there statistics available with regard to the most recent months of this year? If there are, will the minister or the parliamentary assistant make those statistics available to the people of Ontario?

**Hon. A. Grossman** (Provincial Secretary for Resources Development): Mr. Speaker, in accordance with your ruling, may I direct that question to the parliamentary assistant?

**Mr. Speaker:** Did the parliamentary assistant hear the question?

**Mr. Stokes:** Put down the newspaper.

**Hon. Mr. Grossman:** Would the member repeat the question now?

**Hon. Mr. Rhodes:** Hey, this is the member for Carleton East's last day in the Legislature.

**Mr. Deans:** I could never word it again. Does the Ontario Food Council still monitor the cost of the food basket in the Province of Ontario?

**Mr. Speaker:** Order, please. We can't hear the question.

**Mr. Deans:** If they do, are there statistics available for the most recent months? If there are, why aren't the statistics made available publicly?

**Mr. R. G. Eaton** (Middlesex South): Yes, they still monitor it; the statistics are available; they may be obtained from the Food Council.

**Mr. Deans:** Can the minister indicate, then, whether there has been an increase or a decrease, or whether the general pattern of costs for the food basket items in the Province of Ontario has remained the same over the last three or four months?

**Mr. L. C. Henderson** (Lambton): There would have been an increase, of course.

**Mr. Eaton:** Over the last four-month period there was a drop for one or two months and then it increased again in the last two months.

**Mr. Deans:** Could the minister then make available the actual costs involved in the various articles that make up the food basket?

**Mr. Eaton:** Not in the various articles. We can see that the member is provided with the total figures of the food basket. We'll see that he gets a copy for the last four months sent to him.

**Mr. Speaker:** Supplementary?

**Mr. Breithaupt:** No, I have a new question of the minister who has just come in, when the occasion arises.

**Mr. Speaker:** Of course.

**Mr. Breithaupt:** The Provincial Secretary for Social Development.

**Mr. Speaker:** All right, you may ask your question.

## PENETANGUISHENE HOSPITAL CONDITIONS

**Mr. Breithaupt:** With respect to an item which I presume all members have received from certain persons at the Oakridge hospital in Penetanguishene, is the minister aware of the apparent new rulings with respect to the unification of nursing services and the difficulties which are considered to exist concerning the decision not to escort nursing personnel into the wards?

Is the minister also aware of the view that this problem might develop in the same way as the recent unfortunate situation in the British Columbia prison, where staff members were perhaps not kept as secure as they should be? And can the minister advise us if this matter will at least be reviewed so that the concerns of certain of the staff members there will be considered by the Ministry of Health?

**Hon. M. Birch** (Provincial Secretary for Social Development): Mr. Speaker, this situation is receiving the personal consideration of the Minister of Health (Mr. Miller).

**Mr. Speaker:** The member for Port Arthur.

## HOUSING IN THUNDER BAY

**Mr. J. F. Foulds** (Port Arthur): Mr. Speaker, a question of the Minister of Housing, if I could get his attention please: Is the minister aware that there has been a 15 per cent increase in the number of people on the waiting list for senior citizen housing in Thunder Bay



in a single month, from April to May, and a 21 per cent increase on the waiting list for family housing in Thunder Bay in the same period?

Secondly, does the minister agree with the statement of a Mr. Bill Morgan, I think it was, an alderman in Thunder Bay, that the city would have to provide well over 700 senior citizens' units per year just to keep up, and 400 family units?

**Hon. L. Bernier** (Minister of National Resources): That's the member's opponent, the next member for Port Arthur.

**Mr. F. Laughren** (Nickel Belt): What is he talking about?

**Hon. Mr. Irvine**: Mr. Speaker, as far as the first part of the question is concerned—and I'll have to ask the member to repeat the second part—I just signed an order for the acquisition of land to provide for 140 units for senior citizen accommodations in the Thunder Bay area.

**Mr. Foulds**: Does the minister understand that means that when those are completed there will still be over 300 on the waiting list, so he is not even keeping steady? I wonder also if the minister—

**Mr. R. K. McNeil** (Elgin): It means the member won't be re-elected. Overnight guest; just an overnight guest.

**An hon. member**: They have more than their share.

**Mr. Foulds**: The minister doesn't believe in housing for senior citizens, does he?

**Mr. J. A. Taylor** (Prince Edward-Lennox): Certainly we believe in housing for senior citizens.

**Mr. J. M. Turner** (Peterborough): How about the member?

**Mr. Foulds**: Does the minister agree with the figure stated by an alderman in Thunder Bay, Mr. Morgan, that the city would have to provide over 700 senior citizen units and 400 family units just to keep even?

Can he comment on Mr. Morgan's comment that he doubted it was the city's responsibility to initiate each new project "as he was informed the city had a special thing going with OHC whereby the corporation goes ahead and takes action without being requested"? Could he elaborate on that special thing?

**Hon. Mr. Grossman**: Who is Bill Morgan?

**Mr. Stokes**: He will likely be a Tory candidate next.

**Hon. Mr. Irvine**: Mr. Speaker, all I want to say is, as I've said to the hon. member before, the Thunder Bay area has a really large percentage of senior citizen units, much larger than in many other areas. I think the city of Thunder Bay and the whole area should be very thankful of the number of units they have.

**Mr. Stokes**: So the minister disagrees with Bill Morgan.

**Hon. Mr. Irvine**: We will never be able to provide accommodation for every senior citizen in Ontario, and I don't think it is necessary that we should. But I just told the member what action we are taking to provide some accommodation.

**Mr. Renwick**: Be thankful for small blessings, I suppose.

**Hon. Mr. Irvine**: As to the article he is referring to, I really don't know anything about it. I would like to look at it.

**Mr. Speaker**: The member for Ottawa East.

**Mr. Stokes**: Bill Morgan doesn't think you are doing enough.

**Mr. Speaker**: Order, please. The member for Ottawa East with his question.

**Mr. Foulds**: Mr. Morgan will be a Conservative candidate.

**Mr. Speaker**: Order, please. The member for Ottawa East.

## EYE INJURIES IN MINOR HOCKEY

**Mr. Roy**: Mr. Speaker, a question of the Minister of Community and Social Services: In view of the minister's concern about injuries and violence in the area of hockey, as evidenced by the fact he established a commission subsequent to questions by my colleague, the member for Rainy River (Mr. Reid), and the great concern of his leader in relation to violence, I wonder if the minister might—

**Hon. Mr. Rhodes**: Never mind the preamble; ask the question.

**Mr. Roy**: —I wonder if the minister might look into the question of eye injuries to young people in hockey? I wonder if the minister is aware of the fact that during the last hockey season, some 35 boys were blind-

ed in one eye from hockey injuries? Of these injuries, the stick was responsible in 18 cases and the puck in 13 cases. I wonder if the minister might look into that in relation to the question of protective equipment, and whether greater enforcement of the rules is necessary in the game of junior hockey?

**Hon. R. Brunelle** (Minister of Community and Social Services): Mr. Speaker, I certainly would be pleased to look into it. I do think though it relates more to the Minister of Culture and Recreation, who now has the responsibility for sports.

**Mr. Roy:** Mr. Speaker, as a supplementary, I wonder if the minister might ask his colleague why it is that last winter in Ontario there was some 143 eye injuries, as compared to Quebec with only 12? In other provinces, BC had only 17, and Alberta had 18. There seems to be a great difference between Ontario and the other provinces. The minister might ask his colleague to look into that as well.

**Hon. Mr. Brunelle:** Certainly, Mr. Speaker.

**Mr. Speaker:** The member for Cochrane South.

#### OPERATIONS AT REEVES MINES

**Mr. W. Ferrier** (Cochrane South): Mr. Speaker, a question of the Minister of Natural Resources. I wonder if the minister could report on the meeting he had with Canadian Johns-Manville Co. officials about the closing of the Reeves mines?

**Hon. Mr. Bernier:** Mr. Speaker, this has been a problem before us for some considerable time. I did make a commitment to the United Steelworkers and to the hon. member that we would attempt to meet with executives of Johns-Manville.

We have exchanged correspondence. If I recall correctly, I did send them another letter about 10 days ago demanding that they come to Toronto and explain the various reasons—be they economic or be they health problems—with regard to the closing of the mines. I haven't had a reply as yet. In the other correspondence we were suggesting they meet with us, but I'll now take a more positive stand and ask them to come and discuss it with us on a firm basis. As soon as I have more information I'll be glad to report to the hon. member.

**Mr. Speaker:** The member for Carleton East.

#### INQUIRY INTO DUMP TRUCK OPERATIONS

**Mr. P. Taylor:** Thank you, Mr. Speaker. I would love to ask the Minister of Transportation and Communications a question on his last day in the Legislature.

**Mr. Foulds:** Have a good day.

Interjections by hon. members.

**Hon. Mr. Rhodes:** Does the member want his picture taken with me before he leaves?

**Mr. P. Taylor:** I discussed this matter with the minister yesterday privately, thinking that it was the last day yesterday, but it didn't seem to work out that way. So I would like to give the minister an opportunity to explain publicly what his responses are to the concerns of the dump truck industry, which is worried about the minister's implementation of recommendations arising out of the Rapoport study, with particular reference to rates and PCV licences?

**Hon. Mr. Rhodes:** Mr. Speaker, as I said at the time that the report was tabled in the House, the recommendation that we regulate dump trucks would require legislation, the changing of the Act, in order to put this operation back under the regulations. So it will require legislation.

As far as rates are concerned, what I referred to when I spoke to the hon. member yesterday was that the minimum rate established by my ministry and which applies to contracts that involve my ministry is upgraded regularly. We can make changes in those rates and will be doing so before too long in order to adjust those rates.

Now, I know that part of the report recommends the actual control of rates, but that has some very broad implications beyond the dump truck industry. It will take some time to see how it could be applied to the dump trucks, if possible, and possibly the whole trucking industry.

**Mr. Speaker:** The member for Windsor West.

**Mr. E. J. Bounsall** (Windsor West): Supplementary question, Mr. Speaker, on that same report: Does the minister see any problems with the recommendations in that report and the regulations he is bringing from that report or any problems with that conflicting with the definition of dependent contractor that has been introduced as an amendment to the Ontario Labour Relations Act?



**Hon. Mr. Rhodes:** Yes, Mr. Speaker, I think there are some of the recommendations in the Rapoport report that we should be looking at as to how this would affect the dump truck operators as dependent contractors. I have had a discussion with my colleague, the Minister of Labour (Mr. MacBeth), because we have some concerns about that, hoping that perhaps that thing can be held until we get the Rapoport report as it relates to dump trucks into effect and fitted into the scheme as it would affect the operators under the Labour Relations Act.

**Mr. Bounsall:** Supplementary again on this: How soon then does the minister expect to have his regulations relating to the recommendations of the Rapoport report finished? What sort of time scale are we looking at from the minister's point of view to see when those difficulties would arise and be solved?

**Hon. Mr. Rhodes:** Mr. Speaker, I can't give a definite time-frame because, as I said, to put some of that report into effect would require legislation. We can do other parts by regulation and we are taking it apart now and we are working with the people who worked on the report to find out how we can implement some of these things quickly and how rapidly we can develop the legislation. I don't want to tell the member it is going to take one month or six months. I don't think that would be fair to the hon. member or to us.

**Mr. Laughren:** Supplementary, Mr. Speaker: In view of the fact that the minister indicated previously that the regulations concerning the covering of loose loads in dump trucks were already prepared and awaiting the publication of this report, is there any reason why those regulations cannot be proclaimed at this time?

**Hon. Mr. Rhodes:** That regulation is in the process of coming forward right now.

**Mr. Speaker:** The member for Sudbury.

## RAILWAY RELOCATION

**Mr. M. C. Germa (Sudbury):** Mr. Speaker, I have a question of the Minister of Transportation and Communications. In view of the minister's already stated position that there would not be one penny of provincial funding going to railway relocation, what purpose is to be served by doing feasibility studies on railway relocation?

**Hon. Mr. Rhodes:** Mr. Speaker, I don't believe I said there would not be one penny

of provincial funding going into railway relocation. What I did say was that we want an opportunity to discuss the terms of the Railway Relocation Act. We are doing that now with the federal government.

I would certainly feel there will be a time when these problems can be resolved and that we will be putting money into that sort of project—the moving of railroads in the municipalities that so desire. Obviously, if we are going to go into a project of that size and with the effects that it can have on a community, there has to be a very detailed study done. I see nothing wrong with having those studies carried out and having that information available so that when funds are available from the federal and provincial governments—and the municipalities because they will be participating—we would be able to get on with the implementation as quickly as possible.

**Mr. Germa:** Supplementary, Mr. Speaker: Is it not true that the minister has rejected the terms of the railway relocation bill as it presently exists?

**Hon. Mr. Rhodes:** Yes, Mr. Speaker, as far as the funding proposed under the bill goes, we don't think that the wording of the bill is adequate. I have said in this House on several occasions the three major concerns we have with the bill. There is the availability of the amount of money, to mention only one.

The hon. member, coming from Sudbury, knows full well if one relocates the railroad tracks in Sudbury and has to face the very, very high cost of relocating those businesses and industries now served by that railroad without any financial assistance at all from the federal government, we are going to be in real trouble. That is one of our concerns, because the federal government has said specifically that no money will be available to relocate businesses or industries that are now served by the railroad. That is one of our real concerns.

**Mr. Speaker:** The member for Essex-Kent.

## STUDY OF CN PROJECT

**Mr. R. F. Ruston (Essex-Kent):** Mr. Speaker, I have a question of the Minister of the Environment. Does the minister intend to order an environmental impact study of the proposed building of the CNR Malport intermodal terminal in Malton? Is the minister aware of the proposed building of the CNR freight link?



**Hon. W. Newman** (Minister of the Environment): Well, Mr. Speaker, as the member well knows from when we discussed the environmental assessment bill, it won't be proclaimed for some time. When we get it into position, it will not be retroactive. I imagine it would have to meet all of our controls under the Environmental Protection Act and also, I think under the Ontario Water Resources Act.

**Mr. Ruston:** A supplementary, Mr. Speaker. In his June 26 letter to the vice-president of the CNR, Mr. Hunt, the Premier said that he was very concerned about the environment and this building; doesn't the minister think he should be, too?

**Hon. W. Newman:** Mr. Speaker, I'm concerned about every building which goes up in this province. I'm very much concerned about the environment. I think the member's own environmental critic, thanks to him, said we're doing a great job here in the Province of Ontario when we wound up the estimates.

**Mr. Roy:** Well, don't get carried away.

**Mr. Speaker:** The member for Sandwich-Riverside.

#### URBAN HOUSING DEMONSTRATION PROJECTS

**Mr. F. A. Burr** (Sandwich-Riverside): Mr. Speaker, a question of the Minister of Housing—a question to which I should like a simple non-partisan yes or no answer.

Interjections by hon. members.

**Hon. Mr. Irvine:** I always give one.

**Mr. Renwick:** The member will get a simple one.

**Hon. Mr. Rhodes:** He should ask me.

**Mr. Burr:** It's a question regarding the urban housing demonstration proposals which have been under consideration by the federal and provincial governments for some time. Do the 14 surviving demonstration projects include the solar-heated senior citizens' apartment project in Ontario or is it one of the 200 projects rejected or cancelled by the federal Minister of Urban Affairs on July 3?

**Mr. Germa:** Yes or no.

**Hon. Mr. Irvine:** Mr. Speaker, the solar heat project, in my understanding, is a separate project entirely.

**Mr. Burr:** I'm sorry; I couldn't catch it.

**Hon. Mr. Irvine:** It's a separate project from the ones that were cancelled.

**Mr. Burr:** It's going forward?

**Hon. Mr. Irvine:** That's my understanding.

**Mr. Burr:** Thank you.

**Mr. Speaker:** The member for York Centre.

**Mr. Renwick:** That was pretty partisan.

#### PICKERING AIRPORT

**Mr. Deacon:** A question of the Minister of Housing. He seems to be busy over there this morning. Last January, he wrote me saying he was going to get in touch with the federal government about the compensation for land-owners affected by the high noise zone at the proposed airport at Pickering. What reply has he received from the federal government with regard to compensating those who are penalized and have been severely hurt as a result of his ministerial order?

**Hon. Mr. Irvine:** Mr. Speaker, as usual, I have no reply from the federal government.

**Mr. Deacon:** Mr. Speaker, a supplementary: In view of the fact he has had no reply, would he pursue this matter because there are an awful lot of people in that area who have been badly hurt? The order is his order which he has the right to lift and to relieve these people of this problem unless the federal government does compensate them.

**Hon. Mr. Irvine:** Mr. Speaker, I can't remove the order because of the fact that the federal government has requested the order to be placed on this particular area. There is no way I can do anything else but leave the order there until such time as the federal government issues instructions otherwise.

**Mr. Deacon:** Certainly the minister can.

**Mr. Speaker:** The member for Thunder Bay.

**Mr. Deacon:** Does the minister not agree that he does have the power to lift the order as the federal government will not compensate the people?

**Mr. Speaker:** The member for Thunder Bay.

**Mr. Deacon:** Oh, my God.

**Mr. Roy:** If it's politically attractive, he is prepared to give—

## UPGRADING OF NORTHERN ROADS

**Mr. Stokes:** I have a question of the Minister of Natural Resources. Is the minister prepared to expend some of his funds from his NORT funding for access roads to upgrade the existing roads into amethyst deposits in view of the fact there was a fatal accident on one of them just last week?

**Hon. Mr. Bernier:** Mr. Speaker, the expenditures for the NORT committee are under constant review. We have looked at a number of proposals. I believe I did look into the money which has already been spent on the amethyst road and I think it is around \$16,000 or \$26,000; it's in that particular figure. We're prepared to look at any road which needs improvement and which will provide an economic stimulus to that part of northern Ontario.

**Mr. Speaker:** The member for Carleton East.

## USE OF FRENCH IN COURTS

**Mr. P. Taylor:** Thank you, Mr. Speaker. I have a question for the Attorney General at this terminal moment in his political career. I'd like to ask him if he could give us a feeling as to what his attitude is and what his actions will be over the course of the next few months with respect to bilingual court documents, such as summonses and similar documents.

**Hon. Mr. Clement:** Mr. Speaker, I have responded to this in answer to a question, directed some weeks ago, by his colleague from Ottawa East. I believe this week the member for Sudbury also brought this matter to the attention of the House.

**Mr. Roy:** The government has been responding for four years.

**Mr. Speaker:** Order please.

**Hon. Mr. Clement:** No, never at any time have I said that we have been responding for four years. I will deal with it once again. The matter of bilingualism in the court system is one that is rather involved. Firstly, it is not necessary in every court in this province; I don't think anybody is suggesting that it be available in every court.

**Mr. Roy:** We are agreed on that.

**Hon. Mr. Clement:** I think that the gist of my feelings is that when a person appears before a court for any offence whatsoever,

he or she should understand the offence with which he or she is charged. Interpreters' services are available in just about every court in this province, and that has been the position for some time, so that the accused will know the matter which brings them before the court.

A number of months ago—10 or 11 months ago I believe—the Ministry of the Attorney General undertook to ascertain if it could translate many of the offences into French and have them reduced into a bilingual summons; quite frankly, we have met with great difficulty. I have been told by my people that it is difficult to translate and retain the literal and lawful meaning of certain phraseologies dealing with certain offences. That is the position we are in right now.

In eastern Ontario many of the court officials, the defence counsel, Crown attorneys and members of the bench are indeed bilingual. Now, that is the situation as it is today.

**Mr. D. C. MacDonald (York South):** Isn't it done in Quebec?

**Mr. Speaker:** A supplementary. The member for Sudbury.

**Mr. Germa:** Is the Attorney General not aware that New Brunswick has accomplished this tremendous feat of producing bilingual summonses? Does it not seem strange, if New Brunswick can accomplish this, that the Province of Ontario cannot?

**Hon. Mr. Clement:** It doesn't seem strange to me at all. The difficulty, as I understand it from my people, is with the translating of the charges themselves. As far as having a summons warrant goes, there is no difficulty in having that. But if one is instructed in French to appear to answer a charge, and that phraseology is retained in the English language, then you really aren't accomplishing very much, in my assessment.

Interjections by hon. members.

**Mr. P. Taylor:** How many charges are there in total?

**Mr. Speaker:** Order, please.

**Mr. Roy:** A short supplementary to the Attorney General. He is a pretty good fellow, but he has got to take the brunt of—

**Mr. Speaker:** Is there a supplementary?

**Mr. Roy:** Yes, I'll get to the question. Can he explain to me how it is he has just stated here this morning that his people have been

working on this for 10 to 12 months when in fact he promised bilingual services in the courts in the Throne Speech in 1972? Now is it only a hollow promise, or is he really doing anything? Maybe he should look at Quebec, which has been doing it bilingually for 100 years.

**Mr. Speaker:** Order, please. Supplementary question.

**Mr. P. Taylor:** He has no understanding of the problem at all.

**Mr. Speaker:** The member for High Park.

#### PAYMENTS TO DONALD MARTIN

**Mr. Shulman:** A question of the Minister of Community and Social Services. Is the minister satisfied that Mr. Donald Martin did sufficient work to merit receiving the \$16,000 pay which he received for the Strawberry Festival?

**Hon. Mr. Brunelle:** Mr. Speaker, as often happens, the hon. member is away off mark; he is not even close at half that amount.

Interjections by hon. members.

**Mr. Shulman:** A supplementary, Mr. Speaker.

**Mr. J. A. Taylor:** The last hurrah.

**Mr. Shulman:** May I ask the final supplementary of my political career?

**Mr. Speaker:** Surely.

**Mr. Shulman:** How much did it cost the ministry? How much did they pay him?

**Mr. P. Taylor:** That was a terminal question.

**Hon. Mr. Brunelle:** Mr. Speaker, I would be pleased to have that information sent to the hon. member.

Interjections by hon. members.

**Mr. P. Taylor:** Foiled again!

**Mr. Speaker:** The member for Ottawa East.

#### CRIMINAL CODE AMENDMENTS

**Mr. Roy:** Mr. Speaker, I have a new question of the Attorney General. In the light of the fact that the federal government has either presented or is in the process of presenting an omnibus bill—

**An hon. member:** Don't mention the federal government.

**Mr. Roy:** Now, keep it down, keep it down. I know the members want to get on the record—

**Mr. Speaker:** Order, please. Time is flitting.

**Mr. Roy:** In view of the fact that the federal government has presented proposed amendments to the Criminal Code, will the Attorney General, as the minister in charge of enforcement of the criminal law system in this province, get in touch with the federal government now and start discussing, for instance, the question of the \$200 limit for a jury trial on theft and whether that could be increased?

**Hon. Mr. Rhodes:** Is the member looking for a raise?

**Mr. Roy:** Would he also discuss the fact that the Minister of Justice and Attorney General of Canada is prepared to change the law pertaining to suspensions and conditional discharges for driving offences, impaired driving and so on?

**Hon. Mr. Clement:** Thank you, Mr. Speaker. I am glad to note that the member for Ottawa East has asked me a new question. I am grateful for that.

**Mr. Roy:** Gratuitous.

**Hon. Mr. Clement:** His question indicates that now that we have learned of the introduction of the proposed changes to the criminal legislation we will commence discussions with the federal Minister of Justice. May I point out that both I and my predecessors have had lengthy and numerous discussions with the Minister of Justice over the past number of months, and indeed years, asking certain changes. A number of them were discussed in detail at the meeting of all the Attorneys General in Ottawa with Mr. Lang last March and he gave us certain assurances at that time.

We will, when we have a copy of the bill, examine it very carefully. I can tell the member that some of the matters reflected in the legislation are those that we from the Province of Ontario have requested. I am not taking credit; I am sure other Attorneys General have made similar or identical requests. We will examine it and we will communicate with him. He was kind enough yesterday to send me a telegram, in summary form, as to the gist of the proposed changes that he was going to introduce at 3 p.m. yesterday, so I will give the members that assur-



ance that we will communicate. When I am in Ottawa, I will drop in and see the member from time to time when I am up there, because I know he will be practising law full-time up there this fall.

**Mr. Roy:** I will give the minister a hand. I will even translate the summonses for him free if he likes.

**Hon. Mr. Rhodes:** Into what languages?

**Mr. Roy:** What language does the minister want?

**Mr. Speaker:** The member for Port Arthur.

### WORKMEN'S COMPENSATION ACT AMENDMENTS

**Mr. Foulds:** A question of the Minister of Labour: Didn't the recent amendments to the Workmen's Compensation Act provide for an extension of clothing benefits for people who suffered wear and tear from wearing braces? Did those amendments not receive royal assent on July 3, and if that is so, why did the Workmen's Compensation Board write to one of my constituents on July 10—seven days later, after those received royal assent—saying:

To date, the recommendation to the Legislature has not been passed into law. Therefore, action cannot be taken regarding your request for a clothing allowance. Please contact us one year after the legislation to pay for clothing allowance and claims in which there is a permanent disability and a back brace is being worn, has been passed.

Surely that is the kind of bureaucratic answer the minister himself hoped would not be sent by the Workmen's Compensation Board, and can he take action on it?

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Speaker, I must admit that I am not too certain myself whether, when a person gets an allowance for clothing, he has to wait for the end of the year before that allowance is paid or whether it is paid in advance. I don't know whether that is the point or not, and I am not sure how that operates, but in any event, if my hon. friend would give me details of the matter involved I will follow it up. It may be that everybody who is writing letters over at the Workmen's Compensation Board is not as up-to-date as the Legislature.

**Mr. Speaker:** The time for the oral question period has expired.

Petitions.

Presenting reports.

Motions.

**Hon. Mr. Winkler** moves that the House continue to sit until the designated business has been completed, and when it adjourns it will stand adjourned to a date to be named by proclamation of the Lieutenant Governor.

Motion agreed to.

**Mr. Deans:** How about that?

**Mr. Roy:** Anything can happen in between times.

**Hon. Mr. Clement:** Good luck to the member for Ottawa East in his practice.

**Mr. Speaker:** Introduction of bills.

**Mr. Breithaupt:** Mr. Speaker, before the orders of the day, in view of the motion that has been put and accepted by the House, perhaps this might be an opportunity to have all the members of the House—since we may not all be gathered together again, at least in this form—thank not only those who are at the table but also the others in the House—the pages, our security staff, indeed the press gallery on occasion—for the courtesy and assistance which they have shown to this Parliament, without which, of course, our work would have been quite impossible.

**Mr. Deans:** Mr. Speaker, I had intended to make similar remarks at the close of the day. I want to go just a little further, though, in addition to thanking those people who work so diligently on behalf of the assembly, to say to you that while we understand the task you took on was very onerous, we have been well satisfied with the way that you have conducted yourself and that you have looked after the affairs of the House.

I want to say something else too. Three of my colleagues are retiring from politics, two after a long period of time in the Legislature, the member for Hamilton East (Mr. Gisborn) and the member for Hamilton Centre (Mr. Davison), and I want to express, on my own behalf and on behalf of my colleagues who are here, our appreciation to them for the work they have done on behalf of the people of the Province of Ontario; and in particular on my behalf I would express my thanks to them for the work they have done in assisting me over the last eight years.

While I can't identify all of the members who may be retiring, I want to say to the members of the Legislature on both sides of the House that the co-operation they have given me personally in helping to make the

job of a member of the Legislature easier has been very much appreciated, although occasionally we haven't agreed. I want to thank certain people—although I won't name them, I will talk to them personally—for the work they did during the select committees I sat on, for the support and guidance they have given me.

I want, in addition to that, to wish that all of those who retire voluntarily will have a happy retirement from the Legislature and that whatever they choose to do will be rewarding and satisfying; and to the others who may retire involuntarily, it certainly has been a pleasure to have worked with them.

**Hon. Mr. Winkler:** Yes, Mr. Speaker, I think the words that have been spoken are certainly correct and very sincere. I too would like to express my thanks to all those who have participated.

But the thing that amazes me this morning is there's some degree of finality to the addresses that have been made.

**Mr. MacDonald:** The minister means we may be back in September for a little grand-standing.

**Hon. Mr. Winkler:** I would simply like to say—and I want to add to that list the fine reception you had last evening, Mr. Speaker—I would stress that members may be sure that this government will certainly be open to calling in the Legislature again if the business requires it.

**Mr. MacDonald:** That's what I thought.

**Hon. Mr. Winkler:** I want everyone to know that very surely.

**Mr. Roy:** Don't worry; we will call it too.

**Hon. Mr. Winkler:** And now, Mr. Speaker, we will just put the ball over in the other court and conclude the business of the House.

**Mr. Speaker:** Orders of the day.

**Clerk of the House:** The third order, House in committee of the whole.

#### SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT (continued)

House in committee on Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

On section 65:

**Mr. Chairman:** When the committee rose last evening we were dealing with the amendment to section 65 which had been proposed by the minister, and Mr. Deacon's amendment that subsection 2 of section 65 be deleted; subsequently we were also debating Mr. Fould's amendment to the minister's amendment. Is there any further debate on these items or shall these be stacked? The hon. member for St. George.

**Mrs. M. Campbell (St. George):** Mr. Chairman, I feel I must indeed speak to section 65 and the amendments thereto. The amendment of the minister really has achieved two things. First of all, it has deleted a statement that the principals and the vice-principals are indeed essential.

Secondly, it has given the principals and vice-principals the right to vote but not the right to strike. I suppose in that case really we cannot appropriately deal with the question of essentiality, since now the government itself concedes that they are not essential, but for some other reason, and I think as a compromise, they must stay in the schools in the event of a strike.

I would like to say that this particular section and the amendments proposed really prevent a good bill from being a great bill, in my view. Let us look at what a principal and vice-principal will be up against in this particular situation. The teachers are on strike. The principal and the vice-principal belong to the same affiliate. They will have to cross the line or, of course, they can resign, I suppose, as principals and join the troops.

What is their position on a strike vote? If they were to vote in favour of a strike, what is their position? They are voting to have others go on strike while they stay in the school and presumably are paid. This is one of the faults with this, that you've got members of an affiliate in the schools being paid while their fellow members are out taking the risks and the disadvantages. It's a very schizophrenic situation for these people to be in.

It is true, I suppose, that if this legislation goes forward they can hardly be blamed by their affiliate members for following the law. But by the same token, there is no doubt in my mind that with the best good faith in the good world there has to be a resentment that they have not been out there too.

**Mr. D. M. Deacon (York Centre):** And they're being paid.

**Mrs. Campbell:** I've covered that, I think. Surely it is more appropriate to ensure that



someone be in that school, concerned with the welfare and safety of any children who may be there, but it should not be the principal and vice-principal necessarily.

When I spoke on 1(h), I pointed out the situation with the clustered schools. I pointed out the fact that a school in the cluster, certainly in one case that was given to us, the distance was 30 miles. There was one principal and no vice-principals. If we are going to be logical at all what are you going to do in a case of that kind? If it is necessary to protect the safety of children, how is one principal going to accomplish that in that clustered situation—drive around frenetically, trying to see that all is well? What school is he or she going to be in? It just doesn't make any good sense.

Once the decision has been made that teachers shall have the right to strike, then surely there should not be a compromise position taken if, indeed, we are all concerned about the educational process and ensuring that students have the best educations they can get. One of the reasons why one was concerned about the right to strike at all in this area was because one knew that one cannot make a teacher teach if that teacher doesn't want to.

If that is the case, then surely we must somehow accept the fact that a teacher is a teacher is a teacher—whether it is a teacher who is a head of a department, who is a head teacher in a clustered situation, or a vice-principal or a principal—if we are really going to make this Act work.

I must say, Mr. Chairman, that I have not specifically addressed myself to any of the amendments because, with the greatest respect, I think our procedures here are scandalously bad. We should not be debating, with respect, a sub-amendment to a sub-amendment to an amendment, all at the same time. I think everyone agrees with that. So that in speaking to the principal, I am supporting the position, of course, which was taken by my colleague, and I will reserve my position on the sub-amendment to the sub-amendment to the amendment when that is put. Thank you, Mr. Chairman.

**Mr. Chairman:** The hon. member for Stormont.

**Mr. G. Samis (Stormont):** Thank you, Mr. Chairman. I will make my remarks rather brief, because I think everyone's position is rather well known on this.

I support the sub-amendment offered by the member for Port Arthur (Mr. Foulds), and

oppose the amendment offered by the minister (Mr. Wells). We, in the NDP, have consistently opposed the idea of excluding principals and vice-principals from the right enjoyed by other employees, namely, teachers in the Province of Ontario. Our education critic spoke on this in his very first speech and made our position clear and we have been consistent on this in committee of the whole and standing committee yesterday and again today. I don't think there is any need to go into any long dissertation as to the reasons why we have taken that position, why we have upheld it, and will continue to uphold it.

Just in a final comment, Mr. Chairman, our basic objection is on the concept that in effect the principals and vice-principals in this province would be, in a sense, discriminated against, because they will be treated differently from their fellow employees. They, I am sure, in a variety of constituencies in all parts of the province, have made their views known very vociferously and in an articulate manner. They feel they are being discriminated against. They feel this will make their job much more difficult. They feel that this is not in the best interests of education. They feel this will cause them special problems, their school special problems, and the whole educational system special problems.

They've never had to cope with these problems before, in effect, and the amendment really only sets them back to what they had prior to the changes made here. It's an unfair demand being placed upon them. They don't deserve this, they don't need this, they don't want this, and because of those reasons, Mr. Chairman, once again we oppose the amendment offered by the minister. I think the sub-amendment offered by the member for Port Arthur is a reasonable compromise, recognizing the value and validity of some of the arguments on both sides. I would ask that the members give due consideration to the sub-amendment. Thank you.

**Mr. Chairman:** The hon. member for Huron.

**Mr. J. Riddell (Huron):** Thank you, Mr. Chairman. My remarks will be brief. I certainly support the sub-amendment offered by my colleague from York Centre. It is rather unfortunate that the minister has seen fit to go most of the way in his amendment but he has not gone all of the way.

**Mr. R. Haggerty (Welland South):** He hasn't even gone close to it.

**Mr. Riddell:** I firmly believe that the minister supports the total rights of the principals



and vice-principals but, as the chairman of the committee studying the bill clause by clause indicated in his summary, it's sometimes a case of doing not what is right but what is required. I think in this particular case the minister is doing what is required of him, but not doing what he knows to be right.

I know of a case where a principal in a school considered himself to be in a separate category from that of his staff, and I know of the lack of harmony that existed in that school because of this particular separation. I know the same thing is going to happen here. If the principals and the vice-principals are going to be denied the right to strike, then they are not going to be looked upon by the staff with the same degree of confidence and respect that would be the case had the principals and vice-principals been given the entire rights of a bargaining unit.

I seriously think the minister should reconsider and do what he knows is right and, in this case, not do what he's required to do, because his caucus members cannot go back into the community and try to explain the reason for the complete reversal of the government in the first place. Thank you.

**Mr. Chairman:** The hon. member for Kent.

**Mr. J. P. Spence (Kent):** Mr. Chairman, I want to add a word or two to this sub-amendment of my colleague from York Centre. I haven't taken any part in the debate. I've listened with great interest and, of course, not being a school teacher, I'm not as familiar with this situation as I should be. But after the long hearing downstairs, I must say that I've received a number of telegrams from principals and vice-principals in this province raising their concerns over principals and vice-principals not being given an opportunity to take part in strikes.

I must say that this is dividing the teaching staff of our schools across the Province of Ontario. I would think, as a layman in this field, that dividing the teaching staff will not be the right approach to take. I would say the remainder of the teaching staff look to the principal and the vice-principal for guidance and they are unable to do so since they are classed as essential employees if a strike takes place.

I want to bring to the attention of the minister that if a strike occurs and principals and vice-principals cross that line, I would say it will divide; it will create resentment. Also, in order to have our schools carry on education as it should be, a resentment or a difference between the principals and the vice-principals and the rest of the teaching

staff will cause a loss to those young people who are being educated in that school.

I just want to bring to the minister the concern that has been brought to my attention by telegrams, and by approaches from teachers who teach in the secondary schools of this province if the minister doesn't permit or give the right to the principal and vice-principal to take part in the strike, if a strike occurs, when this bill gives the right to the teachers to strike across the Province of Ontario. I hope the minister will reconsider his decision. I know he has a difficult decision to make. I know it must have been hard for him to make this decision but when the decision was made to give the teaching staff the right to strike, I think the principals and vice-principals should be included.

With those few remarks I just want to inform you of the feeling that I got from the principals and vice-principals that you should reconsider your decision. I strongly support my colleague on his sub-amendment to the amendment.

**Mr. Chairman:** The hon. member for Carleton East.

**Mr. P. Taylor (Carleton East):** Mr. Chairman, I don't wish to prolong this process unduly because as a member of the standing committee on social development during this process I heard many arguments. We now know and it is now abundantly clear to us that those arguments have fallen on largely deaf ears at the ministry level. That is proved by the minister's proposed amendment to section 65 which, as has been described by our critic, the member for York Centre, does nothing but provide the principals and vice-principals with the right to vote on a strike but not to take part in it, which of course is an untenable position to put anybody in in this field of teaching.

We find ourselves in a position of being unable to support the motion for amendment as proposed by the member for Port Arthur, because by its very nature it places the burden on the Education Relations Commission.

**Mr. J. F. Foulds (Port Arthur):** On the board. It doesn't apply to the commission.

**Mr. P. Taylor:** I read the member's amendment to say "or an alternate person designated by the Education Relations Commission." Let me rephrase my original statement. I would say it places a portion of the burden on the commission. I think that if the member for Port Arthur and all other members, including myself, who have spoken on this

bill either in committee or here and who have expressed a real and genuine interest in this commission being as objective and as capable as possible of operating in this very delicate field of labour management relations, if you like, it must not be saddled with that kind of a burden.

I, therefore, look forward with great interest to the moment when our critic will be permitted to move our proposal in this area, because it places the burden on the affiliates to find and designate the people who will fulfil this custodial role and provide information to parents and students alike.

I go back to something that has been said here frequently yesterday, and I'm sure it has been said here this morning, about the lack of a Hansard official record of the proceedings of the standing committee in dealing with this bill. We are still debating this bill largely because certain members feel compelled to put on the record of this House essentially what they said at various stages of the committee's proceedings. This bill would have proceeded much more quickly through this House had there been a record of the proceedings of the committee.

For the same reason, I'm compelled to repeat one point that I made in that committee. We have heard all the teacher presentations and all the trustee presentations. We have listened to the presentations and comments of hon. members on that committee to the effect that this is a good bill. After three years of effort by trustees, by teachers and by the Ministry of Education and the minister himself, a bill has come forward to this House which everybody agrees will go a very long way toward bringing order to the educational system in its labour-management context.

So I have to ask, out loud and for the record: Why is section 65 in this bill in the first place, particularly the section dealing with the right to strike? I came to the conclusion in the committee—and nothing has happened since then to alter my feeling—that because the minister faced such tremendous difficulty in getting his caucus to go along with the business of allowing the teachers the right to strike, he had to provide the caucus with a quid pro quo. Section 65 which imposes a restrictive clause on principals and vice-principals, is that quid pro quo. That is all it is. It's a political move, designed to win introduction of the rest of the bill into this House. But I am afraid I must say that because of the existence of section 65 in its original form, or in the amended form as we

now see it, will do serious damage to the original intent of the bill.

For that reason I feel we cannot support the amendment as proposed by the member for Port Arthur, but we are prepared subsequently to make our own proposals which we feel will achieve the original objectives of the entire bill.

**Mr. Chairman:** Is there any further discussion? The hon. member for Windsor-Walkerville.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Chairman, I wanted to make a few comments on section 65. The bill before us is a good bill, but could be by far a better bill were section 65 left out completely—if we didn't attempt to make our principals and vice-principals second class citizens, second class federation members, second class individuals with regard to the right to strike.

Essentially the bill is to resolve teacher-school board negotiations, but behind it all our prime concern is quality education—better educational opportunities for our students. Now you are going to drive a wedge between principals, vice-principals and the teachers. You will do this by denying to principals and vice-principals the full rights and responsibilities of membership in the federation; denying them the right to join with their colleagues in a strike. You do that by sort of creating strikebreakers out of them, by having them remain in the educational facility rather than joining their own colleagues. I think you are creating a divisive attitude or a divisive situation between teachers and principals. When I say principals, I also refer to vice-principals.

Good rapport, quality education, better attitudes in the school, depends on harmonious relationships between staff and the principal. I have already seen this situation change as a result of recent strikes. There was the creation of a bitter feeling, a distrust one for the other, a discontent between one and the other, a disharmony, a disunity. This was a result of one being in the school and the colleague being on the picket line, or outside of the school and attempting to express to the public their great dissatisfaction and concern over the negotiations between the board and the teachers.

Mr. Chairman, the creation of this rift doesn't have to take place. By allowing the principal and vice-principal the same rights as are given to the teacher, you could resolve the problem. You wouldn't have that hard feeling between members of the staff. In the course of a strike there are a lot of things



said that probably should never be said, but memories are long, and as a result some of the comments made one to the other, some of the positions, some of the attitudes, some of the actions, have long-standing repercussions. I am afraid by not deleting section 65 from the bill, the minister is going to find that it's the student who, in the long run, is going to suffer, because you are going to have school teachers and principals at odds with one another; or you may have it. I hope it wouldn't happen, but from experience it has happened; and I hope it would never happen again.

I would hope that the minister would reconsider and simply delete section 65, so that principals and vice-principals would become first-class citizens, the same as teachers are, when it comes to being given the right to strike. In my local area, of 24 principals and vice-principals 23 said that they wanted to remain full-fledged members of the federation and thought that they should go out on strike, the same as their colleagues, in an attempt to bring the issue of the strike to a head and achieve a quicker settlement.

Mr. Chairman, I do hope the minister reconsiders and sees that principals and vice-principals have the same opportunities to strike.

Mr. Chairman: The hon. member for Cochrane South.

Mr. W. Ferrier (Cochrane South): Yes, I want to say a few words on this, Mr. Chairman. Like previous speakers, I feel that this section 65 should be deleted. I think that by requiring principals and vice-principals to cross a picket line and to report for work when a strike does develop—and we hope there won't be many of them—is bad legislation. Particularly in the union towns of this province where crossing of a picket line is anathema and it just isn't done, to put in an Act to force the principals and the vice-principals to do this is the most unfair kind of legislation. It is not only going to drive a wedge between principal, vice-principal and the teaching staff, but it's going to put them in a very difficult position as far as many of the citizens of those communities are concerned.

The minister's amendment to allow them to vote on the strike and then not to go on strike just doesn't seem to be going far enough at all. The representations I have received from my riding show that the principals and the vice-principals are very disturbed by this section, and in fact would like

to have it deleted entirely. I feel that I am speaking on their behalf as a last-ditch-effort to persuade the minister, although I know he has had many speakers trying to get this through to him. I suspect that probably the minister himself, left to his own resources and his own judgement, would probably go along with the requests that have been coming to him, but I am sure his cabinet colleagues and his caucus colleagues have laid a heavy hand on him and said don't budge.

I feel that is very unfortunate; but as others have said, this is a good bill in many respects and will result in a great improvement, I think, in the relations between teachers and school boards in the province. I think that it's very unfortunate the minister would include one bad section which will put a few people in a very precarious position with their colleagues and with residents in the communities of this province by forcing them to cross the picket line. I think that you've done a great disservice to the principals and the vice-principals of this province.

Mr. Chairman: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Chairman, I don't intend to be long. I didn't take part in the debate that was carried on in the committee over a number of days but I have expressed on more than one occasion in the Legislature my concern about exactly what is occurring in this piece of legislation. I don't think the minister fully appreciates the problems. Maybe he does and maybe he is locked in, as my colleague says, by the views of his cabinet colleagues. But I'm not at all sure that any of them then, if that be the case, fully appreciates the problems that will confront principals and vice-principals with the legislation as it now stands.

I would have opted to have given them full rights to participate. I don't think there was any question in anyone's mind that that's the case, but if I were deciding to take the measure that the minister has decided to take, to follow that course of action and to grant them certain powers but to remove from principals and vice-principals, the ultimate right to take part in whatever final decision is made with regard to strike, I think I would have tried to understand the implications of it a little more. It's not only the problems that confront the principals and the vice-principals in the school in the event there has been a strike, in the event there has been a resolution of a strike and in the event they then have to get together with their colleagues in order to set up once again



a harmonious working relationship; what worries me is that, in spite of the content of the Act which claims to give principals and vice-principals full participation in the union they belong to, they are not able to participate to the degree that they should be able to participate.

We're going to be faced with a situation where principals and vice-principals will not be able to vote on whether or not a strike should take place because there are certain economic consequences that flow from a strike and it would be entirely wrong for an individual to vote in favour of a strike when he or she was in fact voting for another person to suffer some economic consequences. What you've really done is you've created a situation where, on the one hand you're saying they can take part in all aspects and participate in all aspects of this union or their association, but in actual fact they can't. There would be more animosity created if one or other or both principals and vice-principals were to go and to vote in favour of or in opposition to a strike knowing full well, and their colleagues knowing full well, that they can't participate in it. So, therefore, they are in fact then removed from taking part in that aspect of the operation.

Once you get to that point, the difficulties that they would then have would be far greater than just simply resolving the differences of opinion within the school itself. They won't be able to take part fully in the discussion, fully in the debate, or participate as equals in all the things which occur within their own branch of their own union. They won't be able to do that because they will alienate their colleagues along the way. They must alienate their colleagues because ultimately, when faced with the decision of strike or not, those people cannot take part by law.

I think my colleague from Port Arthur has put forward a very reasonable suggestion in this regard. I can appreciate that the Minister of Education wants to have a person in the school who is responsive and responsible and sensitive to the educational issues. Yet I don't think we should decide here who that individual should be; I think that's reasonable. It may turn out that in the final analysis, on the vote of the membership, it is decided it will be the principal or the vice-principal. I think the membership could probably make the choice of ensuring that the individual who is in the school is capable of fulfilling his or her obligations to the system and, in addition to that, fulfilling his or her obligations to the membership of the union. You would elimin-

ate what is potentially a very dangerous situation.

As I thought it through over the weeks I couldn't quite understand why you needed somebody in the school anyway. If the school is closed, I don't know what that person in that school is going to do. If the school board, for example, were to move to lock out the teachers, I can only assume that the school board would close the doors of the school and would not permit the pupils to enter either. I can only assume they would do that because you can't close the place up and be selective in who you are going to permit in.

One of the responsibilities of the school board would be to make a decision on whether or not they were going to close the system down. That's what a lockout is all about. You close the system down until you resolve your dispute. Having once decided to lock out the teachers, you are then going to turn to the teacher's colleague and say: "In spite of the fact that we are not letting anybody else in, you must come in and sit in this school."

What are they going to do there? Maybe they are going to scrape the desks—or maybe that would be in violation of the caretakers' agreement—maybe they are going to sweep the floors; maybe they are going to clean the windows. I don't know what they are going to do. What are they going to do? Obviously, they can't take on the job of educating the kids, so what are they going to do there? Go in and sit.

In order to have them sitting in the school you are going to run the risk of creating this tremendous animosity which will undoubtedly develop between teacher and principal. I don't understand why you made the decision you made. I don't understand why the government made the decision it made, even if you didn't. I think you would have served the public better had you granted the same rights to principals and vice-principals as you have to the remainder of the teaching staff and tried it; tried it out to see how it works. Let it stand the test of time and if there are problems which emerge, you can bring in amendments to the bill which would permit some other way of dealing with it.

I would suggest that would have been much more sensible. At the moment you will alienate groups of people without there being any need for it. There is no strike situation at the moment. There may not be one for some considerable period of time, yet the animosity and alienation begins the moment the bill passes. Why wouldn't you simply have gone ahead, passed the bill granting the

same rights to all and, if history recorded that there were problems, you could come back to the Legislature and make whatever amendments you deem necessary in the face of the situation which had arisen.

I think that would've made a great deal more sense than what you have done. It would certainly have watered down, if you will, tempered to some extent, the degree of debate that has taken place around that one issue. It would have said to the teaching profession and to the public that we do, in fact, have some confidence in them; that we do, in fact, have confidence in their capacity to make decisions, not only in their own best interest but in the best interest of the pupils and of the taxpayers when it comes to decisions of whether or not to withdraw services. I think that would have been a much more enlightened approach and I frankly think that it would have met with a great deal more support. On balance, I believe we would have ended up with a better system and I don't think you would have had the difficulties that you undoubtedly are going to have if and when a conflict arises which results in a strike.

**Mr. Chairman:** The hon. member for Thunder Bay.

**Mr. J. E. Stokes (Thunder Bay):** I am going to be very brief, Mr. Chairman. I have received communication from several principals and vice-principals in my riding who asked me to do everything possible, in concert with those who are responsible for education policy, to impress upon the minister that they feel very, very strongly that they should have full rights as union members and that they should not be required to come into the schools under circumstances outlined in this bill.

I have had letters from Manitouwadge, Marathon, Schreiber, Terrace Bay, Nipigon, Red Rock and Geraldton. I am not going to reiterate what has been said in this debate. I think that you are treating them as second-class citizens as long as section 65 of this bill reads as it does. I just want to lend my voice to those who have already spoken to plead with the minister to reconsider his position and give them the kind of status they feel they have a right to, and that I agree with.

**Mr. Chairman:** The hon. member for Ottawa East.

**Mr. A. J. Roy (Ottawa East):** Mr. Chairman, I would like to make a comment on section 65 and on the proposed amendment by the minister.

First of all, the inclusion of clause 65, of course, went against what we considered to be the general principle of the bill originally. It seems to me that when you are enacting legislation you should try to be consistent throughout. The minister has received an awful lot of praise about the bill generally. I think it is praise that we have given to him in good faith from the opposition because we realize the difficulty he had personally in proposing this type of legislation and having this type of legislation itself accepted by his caucus.

But, having embarked upon this type of bill and having embarked on a principle, he should have attempted to be consistent. Mr. Chairman, he became inconsistent when he said in section 65 that principals and vice-principals should be considered essential employees and shall not take part in a strike-vote or strike. Then he said, notwithstanding this, principals and vice-principals shall be members of a branch affiliate—and that is where the inconsistency lies. The inconsistency is carried on in your amendment, because you just go a step further. The minister says they shall be members of the branch affiliate, there is no problem now about participating in a strike vote, but then they have to stay in the schools. I say to the minister, for God's sake, why did you not go a step further? Why doesn't the minister just do away with section 65 completely? Then he will have a consistent bill; then he will have one of the main thorns removed.

I think all members have received correspondence from principals asking: "Why are we in this situation?" In fact, what is going to happen—and this has been repeated more times than I can mention—what this bill will do, or what this section will do, and what the minister's amendment will do is, when you say principals and vice-principals shall be members of a branch affiliate you are going to drive them out of it; because in a tough situation you are going to create a gap between the two, when in fact we should try, consistently and continually, to have the principals and vice-principals work along with, in cohesion with and co-operatively with their colleagues who are teachers.

Mr. Chairman, even though one repeats himself after the number of speakers who have talked about this section 65, he must emphasize throughout—in fact, there is inconsistency within this section itself—that the section itself, compared with the rest of the bill, is inconsistent. Even in subsection 2 of your proposed amendment you have just taken half a step there. Why don't you go all the way and just take section 65 out of there?



As has been mentioned by some of our colleagues, if in fact it becomes a problem, surely we can be convinced by the evidence.

We are talking about this new type of legislation in sort of a vacuum. We don't have sufficient evidence to say: "Mr. Minister, you are absolutely right on this. We, the opposition, are wrong"; or vice versa.

Mr. Chairman, I say to the minister, I think he should reconsider this. I know he won't. We have discussed it at length in committee, but I say to him—I want to put this on the record—that having embarked on a bill and having gone through the turmoil that he probably did, why didn't he go one step further?

Mr. Chairman: Does the hon. minister wish to comment on the amendment before us at this time?

Hon. T. L. Wells (Minister of Education): Yes, Mr. Chairman, the amendment—and I am not exactly sure where we are—

Mr. Deacon: We are considering an amendment to your amendment.

Hon. Mr. Wells: Let me put it this way to put it very clearly: If we are talking about the amendment to the amendment, or the amendment to my amendment, or the amendment that someone has indicated the official opposition might like to bring in if they can find a legal way to do it—

Mr. Deacon: We have.

Hon. Mr. Wells: If I am talking on any of those, I cannot accept any of those amendments. I believe that the amendment I have presented is the one that should stay in the bill.

Let me just say, in order to understand why I say this, that I think we must consider the original section 65 and why this amended one is in this bill. I would suggest to you that the amended section 65 in fact is just different wording for the intent of the original section 65. The only difference is that the members of the bargaining unit can vote if they wish. In fact, what we are saying here is that it's up to the members of the bargaining unit to decide themselves whether they wish these people to vote or not. There is precedent for that, and I will get to that in a minute.

The intent of section 65, as amended, is this: It is that there be someone in the school to provide certain services, certainly not the same kind of services that are carried on when the school is in full operation with all the teachers and students there, but someone

to provide liaison between that school and the public and the teachers who are not there; to provide a certain custodial function; to provide an information function; to provide a number of functions in the public interest, which I submit are essential.

It is not the intention of this section in this bill to create any barrier or division or to make any difference between these people who are principal teachers and the teachers in that school until the very unlikely event that a strike occurs in some school jurisdiction. Until that time, they have all the same rights and privileges and can function as part of a bargaining unit.

I want to make it very clear that there is no intent on the part of this minister or this government to suggest that principals and vice-principals should be out of the federations and have their own bargaining unit or association. That is not our intent. I have said many times to the headmasters' and principals' associations that I think they should stay in their federation. That's my personal view. I think they add a lot to the federations and I don't want to see them out of the federations. They are needed in there and I think they should stay. There's no ulterior motive in this legislation to suggest that principals and vice-principals should not be a part of their particular affiliate of the Ontario Teachers' Federation.

Now I want to say this, Mr. Chairman, that the reason we chose the principal and the vice-principal, and particularly the principal as the one to carry out these duties in the unlikely event that a strike occurs, is because in the public's mind the principal is the boss in their local school. They would want him to be there. He would be the one they would look to for information. He's the one that they want to be sure is still in charge of that school if a strike occurs in their area.

I guess one of the things that bothered me in the very excellent debate that we had for about three days in the committee was the attempt, at certain times, to rather play down the role of the principal, because I just don't agree with that. The principal is not just one of the boys in the school. The principal is the principal teacher; he's also the manager and administrator of that school—and he's an important person. The attempt to just play him down as another one of the boys is not right. He's an important person in that school.

Mr. Roy: It might be a girl.



**Hon. Mr. Wells:** I said an important person.

**Mrs. Campbell:** You said he.

**Hon. Mr. Wells:** As my friend from St. George knows, in the legal legislative sense "he" means "he and she". Let me say very emphatically at this time, whenever I use the word "he" in educational terms concerning the school, I mean "he and she." I fully agree with the member from St. George that we don't have enough members of the female sex who are principals in our schools. I hope that will be corrected in the near future.

I just want to say, Mr. Chairman, that it is not the intent of this section in this legislation to separate, to build a barrier, to force out the federation, to destroy the collegial model, or to change the educational climate in a school. That's not the intent of this section. This section is there for the intent that I just indicated.

I'd like to say, Mr. Chairman, that last night during the debate the member for Rainy River—who, I think, perhaps got carried away a little in his exaggeration—said: "Show me some other piece of legislation. Show me some place else where this occurs in Canada—or, as the Premier is fond of saying, in any other jurisdiction."

I'll show him. Get out the Public Service Staff Relations Act passed by some of your friends and colleagues in Ottawa and read it. You'll find this very same principle embodied in that Act. There is the principle of designated employees who remain full members of the bargaining unit; who have the right of the strike vote; and who, when a strike occurs, if it does occur, then remain on the job. And who, incidentally, also get paid while they remain on the job. Don't make the exaggerated claims like that.

**Mr. Ferrier:** He was grandstanding.

**Hon. Mr. Wells:** Read that kind of legislation and tell your friend from Rainy River (Mr. Reid) that he was exaggerating a little last night.

**Mr. Roy:** No, no.

**Mr. Samis:** He knows it.

**Mr. F. Drea** (Scarborough Centre): That's not all he was doing.

**Mr. Roy:** The member for Rainy River wouldn't exaggerate.

**Hon. Mr. Wells:** Look in Hansard and you'll see that he's—

**Mr. Ferrier:** He did a packet of research for that speech.

**Hon. Mr. Wells:** If you would like me to do some research for your party, we'll be glad to do it for a fee.

**Mr. Deacon:** Is it causing trouble for the federal government?

**Mr. Roy:** After the next election that might be the only job you can get.

**Mr. Deacon:** Is it causing trouble for the federal government?

Interjections by hon. members.

**Mr. Chairman:** Order, please. The hon. minister has the floor.

**Hon. Mr. Wells:** The member for York Centre wants to know if it's causing trouble for the federal government.

**Mr. Deacon:** That's where you're determined to cause trouble.

**Hon. Mr. Wells:** He'd better go down and ask the federal government about that.

**Mr. Roy:** You mean you haven't done any research on that?

**Mr. Foulds:** Mr. Chairman, on that particular point, according to the federal Act that the minister has indicated, the designation is different. It is not done the way his legislation does it, directly to the principals and the vice-principals. It does it more along the lines of my suggested amendment.

**Hon. Mr. Wells:** It suggests either the parties can agree or the board can designate. It is a different technique but the general principle is there. Let me again emphasize that we are talking about innovative legislation in the public sector. We are not talking about the type of straight labour-management legislation in the private sector. We are talking about the public sector where we are going to look for innovative legislation. If there is anything I have heard a million times in the last two years we have been studying this legislation, it is go back and find some innovative ways and don't look for the old methods and the old techniques. What we are looking for are innovative ways, and this bill has those ways in it.

I just want to close, Mr. Chairman, by saying that this section in this bill, as it has been amended, which puts the principals on duty in their school if a strike occurs among their affiliate in a school jurisdiction and yet gives them full powers to stay as members of the

bargaining unit and their affiliate and interferes in no way with their membership in that group, will only separate, will only be divisive, will only create animosity, will only build a barrier, will only interfere with collegiality and will only harm the educational programme in any school, if all the people in the various federations want that to happen.

I submit to you, Mr. Chairman, that with the goodwill that we expect will be exercised by all under this bill being exercised by the members of the federation they can accept these different roles that may occur in the very odd time when a strike might occur and they can make this legislation work, realizing that the public expects this kind of an arrangement in public service collective bargaining legislation.

**Mr. Chairman:** Hon. Mr. Wells moves that section 65 of the bill, as amended by the social development committee be deleted and the following substituted therefor:

65—(1) A principal and a vice-principal shall be members of a branch affiliate.

(2) Notwithstanding subsection 1, in the event of a strike by the members of a branch affiliate, each principal and vice-principal who is a member of the branch affiliate shall remain on duty during the strike or any related lockout or state of lockout or closing of a school or schools.

Subject to the possibility of future amendment shall the minister's amendment carry?

**Mr. Deacon:** No.

**Mr. Chairman:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the "ayes" have it.

Shall this be stacked? This will have to be stacked with the other amendments that are before us. Perhaps I should read them.

**Mr. Deacon** moves that subsection 2 of section 65 of the minister's proposed amendment be deleted.

Perhaps we should stack these because we have to ascertain the final outcome of that before we can deal with it. Mr. Foulds also has an amendment to be stacked. I will read that:

**Mr. Foulds** moves that in section 65, subsection 2, as moved by the minister, the words "or an alternate person designated by the Education Relations Commission" be added in line 4 of section 65(2) after the word "vice-principal" and before the word "who."

This also shall be stacked and dealt with at that time.

(On section 66:

**Mr. Deacon:** I would like to move a new section 66, Mr. Chairman.

**Mr. Deacon** moves that a new section 66 be added which reads as follows:

(1) On the first day of the five-day period referred to in 64(1)(f), the branch affiliate shall register with the Education Commission a list of affiliate members, one per school, who will act as liaison officers among the teachers, parents and students for the duration of the strike;

(2) Each affiliate member who will be named must,

(a) hold a permanent contract with the board,

(b) possess a permanent teaching certificate,

(c) have served on the staff of the school for which she or he is named for at least one year;

(3)(a) It is the duty of the liaison officer to be in the school during normal school hours to act in her or his capacity as a liaison officer;

(b) It is the duty of the liaison officer to perform such other liaison duties as determined by the Education Commission.

4(a) The liaison officer shall not be paid by the board.

(b) The board may assign its own supervisory officer or officers in lieu of one or more of the liaison officers."

And that subsequent sections be renumbered accordingly, if necessary.

**Mr. Deacon:** Mr. Chairman, in moving this new clause 66, I refer to the remarks made by the minister who said he wanted to have someone in the school to provide certain services; a liaison with the public and the teachers; certain custodial functions; information services to some extent; and to do anything else considered essential in the public interest. This amendment provides for such a person in the school.

It provides for somebody who is not being paid; who is not going to be causing a division between the teachers who are out and people who are in. It's a public service. It's covering the essentials the minister has referred to. I feel this sort of proposal does what the minister is seeking to do and with which we agree but it doesn't cause the division we referred to.

We cannot see efforts being made to carry on activities which would further delay resolution of the dispute which caused the walkout in the first place. We urge the minister to consider this new clause 66 and to give it his support.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** Mr. Chairman, I think I have three sentences to say on this. We've made the arguments on this whole matter. This is just another variation of the debate we've had on clause 65. I think that if the legitimate amendment I put forward to clause 65 will pass, this new section will not be necessary.

**Mr. Chairman:** Does the hon. minister wish to comment on the amendment?

**Hon. Mr. Wells:** Yes, Mr. Chairman, I think all I said about 65 and the intent and necessity for it still stands. Therefore, there is no necessity for these new sections which the hon. member has suggested.

**Mr. Chairman:** Will we take the amendment as read?

**Mr. Deacon:** Yes.

Agreed.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the "nays" have it.

Shall the amendment be stacked?

Agreed.

**Mr. Chairman:** Are there any further comments before section 69(5)(c) to which the minister has an amendment?

**Mr. Deacon:** Yes, Mr. Chairman, I have an amendment to section 69(1).

Sections 67 and 68 agreed to.

On section 69:

Mr. Deacon moves that subsection 1 of section 69 be amended by the deletion of the words, "other than principals or vice-principals" in the third and fourth line.

**Mr. Deacon:** I do this for the reasons outlined in connection with the principle of 65.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** Mr. Chairman, I have a similar amendment proposed. It's exactly the same. We'll support it. It just makes it con-

sistent with our previous amendments on clause 65(1)(h).

**Hon. Mr. Wells:** In keeping with my position, I reject it, Mr. Chairman.

**Mr. Chairman:** All those in favour of Mr. Deacon's amendment will please say "aye."

All those opposed will please say "nay."

In my humble opinion the "nays" have it.

Shall this be stacked?

Agreed.

**Mr. Chairman:** The hon. minister has an amendment to clause (c) of section 69, subsection 5. Is there any discussion before that? The hon. minister.

**Hon. Mr. Wells:** moves that clause (c) of subsection 5 of section 69 of the bill as amended by the social development committee be deleted and the following be substituted therefor:

(c) The school in which he is employed is closed pursuant to subsection 4.

**Hon. Mr. Wells:** The reason, Mr. Chairman, is that it may be that some schools are closed by a board and others are not. It would only be if that particular school where the person is employed is closed that any teacher in that school would not be paid. But if those other schools weren't closed, it wouldn't apply to them.

**Mr. Chairman:** Shall this amendment carry? Has the hon. member for Port Arthur spoken to it?

**Mr. Foulds:** I haven't spoken to it, but we agree.

Motion agreed to.

**Mr. Chairman:** Are there any further comments, questions or amendments to any other section of the bill?

Some hon. members: Carried.

**Mr. Chairman:** We will stack the divisions.

**Hon. Mr. Wells:** Mr. Chairman, I just want to say that we have had in this House nearly six or eight weeks of debate on this bill with what I thought was a very productive and good committee session. I'd like to thank everyone for their presence and their presentations. We may not have all agreed on everything, but I think that we have a piece of legislation—

**Mr. Deacon:** It was a good start.



**Hon. Mr. Wells:** —that will prove to be very effective and through good-faith bargaining we can bring order to this particular field.

I am particularly heartened in this to find that even the *Globe and Mail*, in an editorial this morning, after saying this is probably a piece of legislation that will lead this province to destruction, something I don't think anyone except the *Globe and Mail* would agree with—finally concedes, very grudgingly, that “we are not convinced that the legislation will produce a rash of strikes...” Then they say something which I guess all of us have known for a long time but which the *Globe and Mail* seems to have ignored for a long time: “Teachers are basically responsible people.” Of course, in their traditional fashion, they fail to even mention the school trustees of this province, who I believe also are responsible people and will work to their utmost to make this work.

**Mr. Chairman:** The hon. member for Carleton East.

**Mr. P. Taylor:** Thank you, Mr. Chairman. I would like to make a personal observation. I appreciate what the minister said about the conduct of the committee hearings, but I think I would be remiss if I were not to put on the record what I said to a member privately last night. I believe that the work of a committee and the atmosphere of a committee is largely established and maintained by its chairman, and I would like to publicly recognize the work of the member for Victoria-Haliburton (Mr. R. G. Hodgson) in that respect.

**Mr. Chairman:** The hon. member for Port Arthur.

**Mr. Foulds:** Thank you, Mr. Chairman. I was going to make a brief statement on third reading, but so as not to try the patience of the members and since it fits in with what the member has said, I would like to make a brief statement now.

I think it's fair to say that the experience those of us have had in dealing with this bill, certainly for me, has been amongst the most educative experience I've had in legislative terms. We in this party feel the bill remains flawed because of the definition of work to rule as a full strike; we felt we would have preferred that to have been allowed as an intermediate sanction, and defined as such, to be used only after a contract expired.

The second flaw is the exclusion of the principals from the right to strike. It is a

great pity that the minister could not bring the government to agree to the compromise suggested at the last minute by the OTF, which would have allowed the ERC to designate some or all principals or other persons for the custodian liaison functions the government felt necessary in the event of a strike, on application from the board concerned.

However, these flaws are not insurmountable. The bill remains a good bill, and it is a very hopeful sign that all the parties concerned, including the trustees and teachers, gave the standing social development committee and the public of Ontario, through that committee, the commitment that they would do everything possible to make the legislation work.

I feel that the work of the standing committee on this bill was first-rate. A good deal of that credit, as has already been mentioned, must go to the chairman, the member for Victoria-Haliburton. I might add that I think he established his credentials with the public and with the committee because the only time he lost his temper was with the minister, and that at least showed his fairness. I do have one quibble which I would like to put as moderately as possible, Mr. Chairman, and it is indeed unfortunate that the standing committee did not see fit to record its debate after the House had given it permission to do so. This was undoubtedly one of the most seminal legislative debates on education and collective bargaining in the history of the province. If the debate had been recorded in standing committee we could have avoided at least several hours of the subsequent debate here in committee of the whole House.

The standing committee, as I say, had the most useful and productive debate to be given any piece of legislation in my experience during the life of this parliament. I think democracy and the people of Ontario would have been better served if they now had access to the records of those standing committee debates. Unfortunately they are lost for all time. This bill has indeed been a bill of special interest not only to the educational community but to the entire public at large—lo, to the editorial boardrooms of the *Globe and Mail* even.

Finally, Mr. Chairman, if I may, I want to pay tribute to the contribution not only of the members of the Legislature who participated, but to the contribution of the minister and his staff, for their patience and perseverance. I was saying privately to the minister last night and I would like to say it publicly now—the arguments we've heard

in public over the last several months he has listened to for several years before it even got to the legislative terms. He deserves credit for his patience and perseverance.

I would hope the minister could announce the composition of the Education Relations Commission if not on third reading, certainly in the immediate future so that the commission can get the Act working smoothly for the fall round of negotiations.

Mr. Chairman, we in the New Democratic Party wish the commission well in its very heavy responsibilities. We hope and we think that this bill will bring an orderly calmness to teacher-board negotiations in the future. We in this party will do everything in our power to help make the bill work for the betterment of education in Ontario. Thank you.

**Mr. Chairman:** The hon. member for Scarborough Centre.

**Mr. R. G. Hodgson (Victoria-Haliburton):** Mr. Chairman, might I ask your indulgence for one moment?

**Mr. Chairman:** The hon. member for Victoria-Haliburton.

**Mr. R. G. Hodgson:** As the chairman of that committee, one really has to think that when everybody speaks good of your name you know there is another connotation. However, I want to say that the members who sat through most of that entire time made the process work. Those who were there as our guests, our witnesses and our assistants, from the general public and from the associations and federations which were represented along with the trustees, certainly have to be commended for doing everything they could to co-operate and to work together.

I think I would be remiss if I didn't repeat what I said at the end of one of the expressions by the OTF and that is what Churchill said, "It isn't good enough to do always what is best but it's sometimes best to do what is required."

**Mr. Chairman:** The hon. member for Scarborough Centre.

**Mr. Drea:** Mr. Chairman, I don't want to prolong this terribly long but in view of some of the statements which have been made today and some of the previous press statements which would give the illusion that for the past couple of years it has been the minister against the entire Conservative caucus, that simply isn't true. It is very difficult when you are on the government side, because of the rules, the practices and the tra-

ditions, to reveal just how legislation evolves. I can truthfully say that over the past 2½ years—this was indeed an involvement of legislation which met the involvement of social attitudes in this province—the minister hasn't been someone hanging from the cross. This has been a collective party decision.

In no way do I mean to diminish the enormous contribution he has made because at all times—and some of those times were extremely controversial either in public, which is known, or in private which will never be known—the minister retained his composure, his intellectual ability and his determination that he was going to produce the kind of innovative legislation which really would be the hallmark of the economic side of education in this province for years to come.

I think the final production of the legislation is a tribute to a remarkable Minister of Education who probably has been the Minister of Education in the most trying economic times for everyone concerned with education—the children, the trustees, the parents, the teachers and the taxpayers—in the history of this province. To be able to not only override those tremendous economic challenges and the ideologies and the biases and the particular points of view which go with them, and still be able to produce this kind of legislation—which I am very confident will be with us for a great many years to come; will prove its worth; will make an enormous contribution to the stability and the enhancement and the future progress of education in this province—I think is the product of our most remarkable Minister of Education.

Thank you, Mr. Chairman.

#### LABOUR RELATIONS AMENDMENT ACT

House in committee on Bill 111, An Act to amend the Labour Relations Act.

**Mr. Chairman:** Before starting debate on this bill I note that the minister does have an amendment to section 33. Are there any comments, questions or amendments to any section of the bill prior to section 33 and, if so, to which section?

**Mr. T. P. Reid (Rainy River):** Section 1, Mr. Chairman.

**Mr. E. J. Bounsall (Windsor West):** I have one on section 1 as well.

**Mr. Chairman:** The hon. member for Rainy River.



On section 1:

**Mr. Reid:** Mr. Chairman. I want to put a couple of things on the record in view of the fact there seems to have been a slight problem with some of the people who wanted to appear before the committee and a misunderstanding as to the function of the committee and what the committee was supposed to do.

I would like to put on the record, very briefly, and I won't take more than two or three minutes, the submission by Mr. Sack of Sack, Dunn and Paisley in regard to his request to amend the bill so that the section dealing with certification—in his particular case, the certification of community college teachers—would not be held up by the wording of the Labour Relations Act.

Mr. Sack's point is simply that the bill as it now reads provides that an association cannot be considered a trade union under the Act if it was formed either by management or for purposes other than being a part of a collective bargaining unit. Obviously many of the associations of faculty in the community colleges were formed primarily as social clubs or clubs of interested people or faculty clubs rather than as bargaining units. It is a fear of the community college teachers that the Labour Relations Board may take the strict and literal interpretation of the Act in regard to certification and not allow them to be certified under the Act. I say that to put it on the record and I hope the minister will consider it.

The other point is raised by the Committee for Justice and Liberty, the CJL Foundation. Their point simply is that they feel the section dealing with religious beliefs and exemptions thereto under the Act should be the same in the Labour Relations Act as it is under the Crown Employees' Collective Bargaining Act. They feel the provision for exemption or opting out under the Crown Employees' Act is much broader than under the Labour Relations Act and they would like to see it broadened to conform to the same provision in the Crown Employees' Collective Bargaining Act.

Other than that, we spent three or four days in committee on this matter and I don't see any point in rehashing the matter all over again. I would like to commend some of the minister's staff, particularly the lawyer who handled the bill on behalf of the Ministry of Labour. I thought he was a most impressive young man and certainly knew what he was talking about, which is sometimes a refreshing change around here.

I would also like to commend the minister for bringing the bill in. It goes some way to resolving some of the problems that have caused hardships in the union-management bargaining field. I might add, we would still like to see the section dealing with the certification be 50 per cent plus one, but we've been over that thoroughly.

**Mr. Chairman:** Does the minister wish to reply? Any further comments? The member for Windsor West.

**Mr. Bounsall:** I have some comments with respect to section 1, Mr. Chairman. I have an amendment.

Mr. Bounsall moves that section 1 be amended by adding a new subsection 2 as follows:

Subsection 1(n) of section 1 of the Labour Relations Act be deleted and the following substituted therefor: trade union means any organization of employees or any branch or local thereof, the purposes of which include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

**Mr. Bounsall:** The reason for the amendment I'll cover very shortly.

This Act was given a lot of scrutiny in the committee. I have no intention in my remarks to try to prolong any debate on it. The problem in section 1(n) in the definition of trade union in the present Act is that it reads, "trade union means an organization of employees formed for the purposes that include regulation" and so on.

The wording I have proposed here takes out any connotation of the word "formed" and in essence is the wording to be found in the Canada Labour Code with respect to the definition "formed" of a trade union. This says it's there for the purposes which include the regulation of relations and gets away from the historical use of the word "formed." The reason for this is the same as we heard in committee as far as we could, because this wasn't a section in the bill and the chairman rightly ruled that the presentation of the person presenting from the floor, Mr. Sack of Sack, Dunn and Paisley, on behalf of the Ontario Confederation of University Faculty Associations, was out of order. It is a problem which bothers the university faculties across this province as they are now in the process of forming—some of them—collective bargaining units for the purpose of bargaining collectively. If there is a literal interpretation of the word "formed," virtually all of these



faculty associations in the past have had a large degree of management participation, not only in the formation but in the memberships. At my own University of Windsor, everybody including the vice presidents belong and participate in the faculty association, even though from time to time the faculty association passes a resolution which the executive of the faculty association must therefore take and discuss with the very vice-president who was present during the discussions within the faculty association on that particular matter.

Various faculty associations have indeed gone to some pains over the past year—the University of Windsor is one of them—to revise their constitutions making exclusions. That can be done, surely; then when one applies to the board for certification, one is applying on that new basis. However, the recent past experience on this has been that when the teaching assistants at York University decided to organize, York University put the objection forward on the basis that there had been employer participation in the formation and administration of that particular teaching assistant group at York University.

**Mr. Chairman:** I wonder if I could call the member to order. I believe the member's amendment is out of order in that there is nothing in the bill as approved by the House that deals with the definition of a trade union.

**Mr. Bounsall:** Yes, I imagine that the—

**Mr. Chairman:** I think the member would have to bring in a private member's bill to deal with this aspect of it. Therefore, I must regretfully rule that his amendment is out of order.

**Mr. Bounsall:** Surely, Mr. Chairman, one can add an entirely new section to the bill that deals with another matter, as in the way of an amendment at this time?

**Mr. Chairman:** Not if it changes the intent of the bill—I don't believe.

**Hon. J. P. MacBeth (Minister of Labour):** Mr. Chairman, if I might just speak to the matter for a minute. I just sent a note along to my legal help here asking whether he saw any problems with the amendment. I am not suggesting that it would be adopted now; but I don't really see any problem with the amendment. However, I think you are right, Mr. Chairman, and I want time to consider it. I am appreciative of the fact that the member for Rainy River and the

member for Windsor West have raised this problem that Mr. Sack brought to us. I undertook, at the committee, to examine it. We don't want to exempt these people.

The history so far with the board is that in one application they were admitted and recognized. In the other application, I think the point was raised and withdrawn. If it proves to be a problem, and I don't think it will, but if it does, then we will certainly look to amend the Act, because it is not our intent to exclude these people. I like the amendment that the member for Windsor West proposed. At least, that's my off-the-top-of-my-head opinion of it. I kind of like it, and will take it under advisement to see whether we can't do it next time around.

**Mr. Bounsall:** Mr. Chairman, given that commitment from the minister to consider it thoroughly, and under the circumstances that it puts all some 90,000 faculty under it, I accept that and would welcome the minister's consideration and, probably, subsequent amendment in the future.

Section 1 agreed to.

**Mr. Chairman:** Are there any other members who would like to discuss any section before section 33?

**Mr. Bounsall:** Section 10, Mr. Chairman.

Sections 2 to 9, inclusive, agreed to.

On section 10:

**Mr. Chairman:** The member for Windsor West.

**Mr. Bounsall:** Mr. Chairman, on section 10, I would very much like to see this section restored to the bill. This was the section of the bill which was deleted by the committee and deals with the matter of arbitration and arbitration boards—decisions being final and conclusive for all purposes. Mr. Chairman, I would move that the exact wording of the bill, which came before the House and was approved on second reading but removed by the resources development committee, be returned to the Act.

Mr. Bounsall moves that section 10 be amended by adding to section 37 of the said Act the following subsections:

(12) An arbitrator or arbitration board has exclusive jurisdiction to determine all questions of fact and law that arise in any matter before the arbitrator or arbitration board, and the decision of the arbitrator or arbitration board thereon is final and conclusive for all purposes:

(13) No decision, order, direction, declaration or ruling of an arbitrator or arbitration board shall be questioned or reviewed in any court and no proceedings shall be taken in any court by way of injunction, declaratory judgement, certiorari, mandamus, prohibition, application for judicial review, quo warranto, or otherwise, to question, review, prohibit, or restrain the arbitrator or arbitration board or any of his or its decisions.

**Mr. Chairman:** The member for Rainy River.

**Mr. Reid:** Mr. Chairman, I rise not to support the amendment as put by the member for Windsor West. We had a fairly lengthy go at this in the committee, and the committee voted on my amendment to delete sections 12 and 13 from the bill. The committee, in its wisdom, deleted those two sections on the basis that the committee felt that judicial review in fact should be an avenue that is open to those people appearing before the Labour Relations Board.

We did have an argument in committee, but basically I think it's decision hinged on the fact that this avenue of appeal should be open to people appearing before the board. In other cases dealing with law, the defendant or the person involved in a suit has the option and the ability and the avenue to go to the courts on the basis of having the decision that has been rendered looked at again by a higher court or another court on the basis of an error in law.

While we sympathize with the idea of those who would put these two sections back in the bill, that we don't want labour relations to be hung up in the courts, we got the information from the minister that in the last two to three years, if I recall correctly, there was only something like 51 cases out of the literally thousands of cases that have come before the Labour Relations Board had been appealed. Of those 51 cases, again if I recall correctly, nine were overturned in favour of the union and seven were overturned in favour of management. We do not feel that this appeal to the courts is being abused. We feel, in fact, that in approximately a third of the cases the court has seen fit to overturn the judgement of the board or the arbitrator, and therefore this avenue should still be available to people as it is in other cases not related to labour relations.

For those reasons, Mr. Chairman, we cannot support the amendment.

**Mr. Bounsall:** Mr. Chairman, there are very good reasons for these sections being in the

original bill and for my amendment to put them back in the bill.

The problem with arbitration is twofold. One is the great delays which take place in arbitration, and the other is the cost of that arbitration. The delays that have been encountered in arbitration are well known. There has even been a booklet published by the Labour Council of Metropolitan Toronto, "Justice Delayed," which talks about the arbitration process in Ontario and is very factual with respect to those delays. It is written by Howard Goldblatt, and there is a comment on it by Chris Trower, then of the United Steelworkers and now of the CSAO. The problem is that the average time to get to arbitration is four months. I know of one union applying for arbitration—which just yesterday had Dec. 11, 1975, set as the date for the commencement of that arbitration.

In addition to the delay, there is the cost. The average cost of an arbitration now is \$700 per day. The average cost for the total grievance is about \$1,000 per day. If by not including these sections in the Act, you continue to allow appeals from the decisions of the arbitration board to go before the courts, you are simply adding a lot more delay and one heck of a lot more cost to this whole system of arbitration.

I might point out that the arbitration system as we have it—grievance arbitration—was initially put in as a trade-off against the right to strike during the lifetime of a contract. With the delays and the cost ever mounting and, because of the costs, the reluctance of many individual local unions at least to go to arbitration on grievances, if the decisions we find there are neither final nor binding and can be appealed what we are encouraging, I am afraid, is frustration on the part of trade unions particularly at the local level about the whole arbitration procedure. The arbitration procedure on grievances will fall into a little bit of disfavour—if it hasn't already—on behalf of trade unions and there will be an increased tendency to or an increased danger of wildcat strikes during the lifetime of the contract as frustrations with the cost and the delay of the grievance procedures mount.

In its presentation the board indicated some figures. Sure, over the last 2½ years, I think it was, only 57 cases, which is slightly over one per cent, found their way to the courts. Of those, seven were resolved in favour of the management and nine in favour of the unions. This clause was preventive legislation in the sense that the board is predicting an ever-increasing number of



these cases finding their way to the courts. They can still, I might point out, clearly find their way to the courts for a denial of natural justice or if the arbitrator exceeded his jurisdiction or there was bias.

What this amendment does is not let it go to the courts on a matter of law. In so many cases there may be an error in law involved in passing, which does not have anything to do with the merits or demerits of the case. It's for this reason there is fear on the board's part and there should be fear on everyone's part in Ontario in labour relations that matters which are not at the heart of the matter of the grievance will be able to find their way to a court because of an error in law made in passing which does not go to the very heart of it. This is an amendment which would ensure that matters of that type do not end up in the courts and cause great delay.

One other final point I would like to make here is you might say if the decision, according to this amendment, is to be final and binding what do the parties do about their feeling that they have been quite unjustly dealt with if there is no way they can appeal on the basis of natural justice, jurisdiction exceeded or bias? The point is that most contracts do not go beyond two years. If, on a matter of principle, either side feels the decision has gone badly against them that becomes a matter for collective bargaining when that time arises. They can talk about it in reference to their collective agreement.

In terms of one party feeling grossly affected by a decision of an arbitration board—a decision which cannot be appealed on natural justice, jurisdiction or bias—they have an opportunity to sort that out across the bargaining table for the next contract, so a similar situation will not arise. That is a healthy situation. I can see that being a healthy situation, much better than an appeal to the courts on a passing matter of law which may have no point and really no application to the very heart of the matter coming before the grievance procedure.

I feel very strongly on this, Mr. Chairman, and there was an amendment put in—the amendment was there in the original bill—by the minister. It was clear in the discussion before committee that the staff of the ministry, particularly those associated with the Ontario Labour Relations Board, were very concerned, seeing their day-to-day work and the decisions which they must, of course, take, that this stay in the bill. On the matter of the Ontario Labour Relations Board, in

that committee we had suggestions before us of mistrust—I think you could go that far—of the Ontario Labour Relations Board and its decisions, let me say, and let me make it very clear that certainly, as an individual, I myself would not agree with all of the decisions made by the Ontario Labour Relations Board. But it's a fairly-set-up board; it's a fair-minded board and it comes to its decisions in an honest way. Anything we can do to strengthen the Ontario Labour Relations Board and help to make its work faster, help to make the decisions better from that board, this Legislature should be endeavouring to do so.

Mr. Minister, I know you don't feel very strongly one way or the other on this section, as you finally stated in the committee. I appeal to you, if you don't feel very strongly one way or the other, for heaven's sake, let it back in the bill.

Mr. D. C. MacDonald (York South): Mr. Chairman, I have comments in two areas. I'm not going to repeat the comments that have been made, particularly by my colleague from Windsor West, with regard to the substance of the amendment, except to say this: As I understand it, in general terms the purpose of these original clauses was to bring the arbitration procedures more or less into the same context as the Labour Relations Act itself—namely, that its decisions would be final and binding, except for legitimate appeals on natural justice and exceeding jurisdiction.

I think the argument, for example, that was put forward by my friend from Rainy River ignores the fact that you can always go back and question the final powers of the Labour Relations Board. We seem to have got to a stage, even the lawyers before that committee, of forsaking that argument. But it's a relic, it's still around. They're arguing vis-à-vis the proposition of having final and binding decisions with regard to arbitration.

It seems to me that the suggestion that they should be final and binding, except for natural justice and exceeding jurisdiction, is even more valid when we recognize that, in our system, arbitration is the alternative to a strike during the term of the contract. Therefore, why you should have this old, legalistic approach rather than the new approach upon which the Labour Relations Board has been built and our arbitration procedures have been sort of out of step, I just can't understand.

Particularly because of what I have said, I must say to the minister that I was very



disappointed in his actions in this particular connection. I could put it even more bluntly than maybe I am going to, because—and I don't know why—he provokes from me sort of the milk of human kindness, or whatever I have of that.

When the minister brings in a bill, presumably he has thought through the bill rather carefully. When it is clear that his staff, and the board who have to live with this kind of thing, wanted these sections in, the minister copped out when he said he was impressed by the arguments of the lawyers—his friends in the legal fraternity—that there was some basis in this appeal and, therefore, he was going to let the committee decide. I submit to the minister he was copping out. He should have stuck with his staff and with everybody else who felt this was necessary, and not left it to the committee.

Then when he left it to the committee, my friend from Rainy River said the committee in its wisdom deleted the sections. I don't know whether the committee in its wisdom deleted the sections; I think the committee in its neglect deleted the sections. The vote was 4-4. What is the membership of the resources development committee? Is it 17? The vote was 4-4.

The chairman had an option, and I submit the chairman took the wrong option. The chairman had the option of casting a vote, which he did, to delete the sections, or he could have said that since the vote hadn't passed, it fell. I submit that's what the chairman should have done—particularly the chairman in question, because, quite frankly, what he knows about labour relations and arbitration could be put into a very small thimble. Therefore, he was just arbitrarily making a decision that it was going to be opted out, presumably because the minister didn't want to stand firm on it.

I want to come back to the concluding comments of my friend from Windsor West. If the minister brought this bill in, I think the minister should stand by the bill with those clauses in. His deputy wants them in; the lawyer on behalf of the ministry who spoke to them clearly wants them in; those who were there to speak on behalf of the Ontario Labour Relations Board want them in. It seems to me that if the minister is the Minister of Labour, those are the people he should stick with and not people who come in on behalf of the manufacturers' association and the board of trade and others who are taking the traditional approach of lawyers. It's only yesterday, if not this morning, that they have quit arguing that the Labour Relations Board is on the wrong basis at all, that

the privative clause should go out the window. They quit that because it's almost a bit disgraceful to continue to add it and claim that you are in favour of fair relationships between management and labour.

I repeat, having put it in rather blunt and perhaps excessively personal terms to the minister, I think it is time for the minister to take a stand with regard to those people who understand the Labour Relations Act and its operations and who understand the arbitration procedures and the difficulties in it. It is clear that his deputy and the legal adviser and the people in the Ontario Labour Relations Board are all in that group and they want those things in there. If the minister is serving the interest of labour relations, he should see that the sections which were struck out are restored to the bill.

**Mr. Chairman:** The hon. minister.

**Hon. Mr. MacBeth:** Yes, Mr. Chairman. The member for Windsor West does obviously put me in a difficult position of arguing at this point against legislation that I and my ministry have proposed. I don't intend to disagree with the points that he has made.

I would like to deal for a just a moment with the points that the member for York South has raised in regard to action that I took at the committee level. It seems to me there is one purpose in going to committee and that is to hear the views of the public and let the committee have some influence on the decisions that are arrived at.

As I said the other day, at committee it is difficult perhaps for a lawyer because he himself comes in with certain prejudices. It is the argument between the McRuer school, those who feel that the individual's rights should be protected eventually through the courts, and those who are interested in the efficiency of the operation, in this case of the arbitrators. There is no question but that the member for York South is right, that my advisers, the ministry, the labour board and the arbitrators, would like to see the privative clause there. They speak quite strongly for it.

The figures we have had are some 51 cases appealed since 1972. They are not astounding figures, at least not great figures, but at the same time each of those cases represents a long history before the courts. I think probably the length of time has been more detrimental than if an earlier decision had been made and stuck with. However, I am from time to time left with the job of appointing these arbitrators.

The parties in the first instance have the option of choosing and settling upon an arbi-

trator by agreement. But if they can't, or occasionally if they decide to let the ministry do it—not from lack of coming to an agreement themselves but just as perhaps the easiest course out—I do appoint arbitrators. The argument that impressed me was the argument that it might be that one of these arbitrators I appoint has in some cases not the experience of others, and a very important wrong decision might be made which would not be appealable.

That was the McRuer argument that got to me, rather than the efficiency argument and the speed argument—that these things should have a quick and final decision in the best interests of labour relations. As I say, I'm agreeing with what the member for Windsor West said and in good part with what the member for York South said. But I had myself at that hearing decided that the rules of McRuer, to my mind, should be kept.

I said I would be happy to abide by the committee's decision and I don't think this point is the place for me to change that. In other words, the public have gone away from that committee thinking that something is going to happen. I know this House has the right to change that but I'm not going to be the one who suggests we change it at this point.

I will keep an eye on the figures. I hope you'll have an opportunity and that I'll have an opportunity to look at this again. Certainly the staff will. It's not so much the number of the cases involved—51 is not an astounding figure—but it's the fact that any cases at all can drag on the way the Douglas Aircraft case has dragged, which I said the other day was a travesty. We will keep an eye on the figures and, if things are continuing to go that way, I hope we'll be back again with this privative section. If, however, there is a falling off of cases, then I think we can leave it there.

There are some arbitrators who are not as experienced as others. Sometimes it's the minister who has to appoint them. As I say, that was the argument that got to me. I left it with the committee. The committee has made its decision, and that's the position I'm taking today with the situation.

**Mr. MacDonald:** Half the committee made the decision.

**Mr. Bounsall:** Just very briefly, Mr. Chairman, on the one point on McRuer and one point prior to that. It has been my experience in this House that lawyers tend to dislike privative sections, sections which

would not allow something to go to the courts. This is because they are very court-oriented, legal system oriented.

Mr. Minister, I have not got personal in any of this—but at this point let me just make one comment. With that being the natural inclination of lawyers, you, as a lawyer, were showing your personal tendencies in that committee by so stating your view on that particular section. You should have been very careful, very careful, that that tendency that you have did not come forward.

Secondly, on McRuer; this is quite clearly stated in the McRuer report on civil rights. In his opinion, decisions of boards should not be final and binding, and should always be appealed to the courts.

I want to make one point. Some two years ago, and I forget over which bill, the member for Downsview (Mr. Singer), a very eminent lawyer in the Liberal caucus, and the member for Riverdale in our caucus, agreed one evening on this very point that this was probably the one area in the McRuer report where McRuer showed his bias, having come from the legal profession. I heard the member for Downsview and the member for Riverdale agree on that point. I can't quote their words, of course, but they said it was one thing in the McRuer report where they, themselves, would not place all that much weight.

**Mr. J. E. Bullbrook (Sarnia):** May I have a moment?

**Mr. Chairman:** The member for Sarnia.

**Mr. Bullbrook:** I might say that would be unique. My recollection isn't such. I don't recall them ever agreeing, during my eight years here, on anything at all. I wanted to rise for a moment because, frankly, one's blood does begin to boil when the legal profession is constantly attacked in connection with labour matters. The member for York South has always had the great facility, when he discusses lawyers, of making my blood boil because of that very attractive accent that he has that makes one think that he's dropping the "aw" from the word "lawyers." It always seems to come out "liars."

**Mr. Bounsall:** If you're sensitive on the topic steer clear of it.

**Mr. Bullbrook:** I want to voice this if I may. I wasn't a member of the committee.

**Mr. MacDonald:** That is a very revealing statement. Put the mirror away.



**Mr. Bullbrook:** I want to say this, if I may. I'm not a member of the committee, as the member for York South knows and the minister might recall, but I just happened into the committee when this very thing was being digested. I want to say to you, Mr. Chairman, that my initial reaction was to support the inclusion of the sections in the legislation, after hearing a very fine presentation by a lawyer. But the fact of the matter is, when the member for Windsor West says that the lawyers have prejudices, I don't think it's difficult to disagree with him.

**Mr. R. F. Ruston (Essex-Kent):** So do professors.

**Mr. Bullbrook:** So do other people have prejudices.

**Mr. Bounsall:** So you are careful in the area in which you have them.

**Mr. Bullbrook:** I want to say this, if I may, and personalize myself. I do think the legal profession has made a very significant contribution toward the arbitration process, which is not a substitution for the strike. The member for Youth South—if he reads his history of labour relations—will find that arbitrations are not a substitution for strikes. Arbitration became a substitution for recourse to the courts. That's what arbitration was. It was understood by both sides as to what it was.

**Mr. MacDonald:** It's interesting.

**Mr. Bullbrook:** I don't think we can put it in that context, but some of us have had some experience in this respect. I want to say to you, Mr. Chairman, that I'm very proud of the fact that I spent at one time many, many weeks on an arbitration case before a lawyer whose name was Bora Laskin. He sat as chairman up there. Another lawyer was a representative of the company, he is now Mr. Justice Arthur Jessup. Another one wasn't a lawyer; he was probably one of the most brilliant trade unionists I've ever met or heard. His name was Harry Waisglass and he was research director for the United Steelworkers. But the fact of the matter is, I don't think we should regard the two lawyers on the board as being any less objective in their attempt to do justice to both trade unionism and management in the arbitration field than Mr. Waisglass was.

**Mr. Bounsall:** That's not my point.

**Mr. MacDonald:** You have missed the whole point.

**Mr. Bullbrook:** One of my problems over the last eight years is, I just can't seem to get these points sometimes.

**Mr. MacDonald:** That's right.

**Mr. F. Laughren (Nickel Belt):** We have noticed that too.

**Mr. Bullbrook:** But you will have to bear with me. I don't have that alacrity of mind that seems to be over there on the left, so bear with me for the moment. I want to say my initial reaction was to leave it in. I found, frankly, the possibility of an error should not deprive any citizen, be it a corporation, an individual or a trade union, of recourse to the fundamental final chapter in justice, and that is the courts.

**Mr. Chairman:** Shall Mr. Bounsall's amendment to section 10 carry?

All those in favour will please say "aye."

All those opposed will say "nay."

In my opinion the "nays" have it.

Will we agree to stack this vote?

**Mr. MacDonald:** It is funny how blindness is associated with the Chair.

**Hon. Mr. MacBeth:** He's just deaf in the left ear.

**Mr. Chairman:** Are there any other comments on any section prior to section 33? I believe the minister has an amendment to section 33.

Sections 11 to 32, inclusive, agreed to.

On section 33:

**Hon. Mr. MacBeth:** I do sir, and it is again with some regret, Mr. Chairman, that I have an amendment to put forward. I'll put the amendment first and then speak to it.

**Hon. Mr. MacBeth** moves that section 33 of the bill as amended by the resources development committee be deleted and the following substituted therefor:

33(1) This Act, except subsection 1 of section 1, subsection 4 of section 3, and sections 6, 12 and 31, comes into force on the day it receives royal assent.

(2) subsection 1 of section 1, subsection 4 of section 3, and sections 6, 12 and 31 come into force on a day to be named by proclamation of the Lieutenant Governor.

**Hon. Mr. MacBeth:** Two days ago in the standing committee, sections 23 to 34 of Bill 111 were passed with no debate and on one motion. There was some confusion at that



time as to the procedure that was followed. We had dealt very carefully, section by section, and at that point all of what the committee thought to be controversial sections had been passed. The hour was getting on and the chairman of the committee asked if there were any further questions on the balance of the bill. I guess the members of the committee were satisfied and very quickly the bill was moved for reporting in this House.

Very quickly, the committee members dispersed. Some people subsequently came to me and suggested they had wanted to speak on some of the subsequent sections, and although I'm sceptical of the merits—I suppose I shouldn't say I'm sceptical at this point, because the purpose of this amendment is to give them the opportunity of making further presentations to me—I think if we had stayed and not rushed the last two sections through, probably they could have been satisfied in the committee and the bill could have come forward without an amendment.

But I was urged to delay, for a short period of time, bringing into force those provisions dealing with dependent contractors; namely, subsection 1 of section 1 of the bill and subsection 4 of section 3 of the bill. The interested parties believe this change will require careful explanation and communication to their constituent members, for example, in the trucking industry.

In addition, during the hearings in the standing committee, I was urged to review the report concerning dump truck operators recently filed with the Minister of Transportation and Communications (Mr. Rhodes) by Mr. Rapoport. At the moment I have only had time to glance briefly at the summations made by Mr. Rapoport and do not believe they will in any way affect the provisions of the bill. I do believe, however, that I should take a little more time to examine fully the report in conjunction with my colleague, the Minister of Transportation and Communications.

You will recall that this morning in a question to me from the member for Windsor West, he in his mind thought there might be some conflict. It is therefore my desire to postpone for not more than two or three months the bringing into force of those sections dealing with dependent contractors and that is the purpose of this motion.

I am sorry that has developed because this section on dependent contractors is to my mind one of the important sections of the bill. It was not aimed at truckers as such. It was aimed mainly at people in what we call

the jug milk business and that type of operation but it is all-inclusive. We do want to cover these people who, by technicalities of the law, have been ruled as independent but in view of today's arrangements are what anyone else would consider as dependent. We do want to give them the provisions of collective bargaining.

An amendment was made to allay, I think, the fears of most of the people there that they might, as the phrase developed, be swept in; that people who did consider themselves independent contractors by this definition might be swept in with part of another bargaining unit. We have made an amendment, which the committee adopted, to make sure that wouldn't happen; that they would be considered as a separate unit and would have the right to decide, first of all, whether they wanted collective bargaining and then whether they would or would not be included in a larger unit.

I think we have the main concerns looked after and I don't have any fear that we can't, in due course, bring in the dependent contractor definition as provided in the bill. These people were not, in fairness, given time to make their representations. I put the problem to the cabinet. The cabinet thought this was the best and proper way to settle the situation and that is the purpose of the amendment I have made this morning, sir.

**Mr. Chairman:** The hon. member for Rainy River.

**Mr. Reid:** Mr. Chairman, I find the minister's remarks somewhat specious but I don't think it makes all that much difference one way or the other, particularly if the minister can give us some estimate of the time frame he is talking about. The one that always occurs to me is the Insurance Act; I believe there has been a clause in the Act since 1934—

**Mr. MacDonald:** He said two or three months.

**Mr. Reid:** Yes, well—do we have a commitment from you that it will be within two to three months at the latest?

**Hon. Mr. MacBeth:** I would like that. I suggested at one point that I put that in the bill but the answer to that was that if I am impressed in any way by the representations they make and it's in the bill, I can't do anything about it. When you say two or three months I think it's reasonable that if we don't put this into effect in two or three months I should make a public statement, or give a statement, as to why I have decided or the

cabinet has decided not to do this. To say it will happen in two or three months is coming to a verdict before I have heard the representations these people want to make.

The two- to three-month period was originally put in there for certain sections having to do with discrimination on age and sex because that will require notices to go out from the board that these terms in various collective agreements across the province must be changed. I understand they are going to do that and the chairman of the board thought a two-month period was reasonable for that purpose. I'm trying to put them all together in two or three months. On this part I can give a commitment that I will make some public statement as to the findings if it is not proclaimed in three months' time.

**Mr. Chairman:** The member for York South.

**Mr. MacDonald:** Mr. Chairman, having listened to the minister, I am increasingly puzzled as to when he feels he legitimately should bow to pressure and when he shouldn't bow to pressure. A moment ago his argument was that since many people went away from that committee thinking that what the committee had decided was sort of final and binding, he wasn't going to change it. The minister listened to all the arguments by people who went before that committee, that that section should be thrown out of the bill because he hadn't had time to consider the Rapoport report and things of that nature. They came to you afterward and you have gone to the cabinet and agreed, not to throw it out of the bill but not to proclaim it and to give yourself two or three months.

Everything that they are going to say to you they said before the committee, and they said it with the purpose of having the sections thrown out of the bill. They are fighting a last-ditch battle. Now why do you bow at this stage? I ask my original question: Why do you bow to pressure sometimes and not at other times? I just don't understand it.

However, the minister himself having said he was unhappy at bringing it in—and he should be unhappy about bringing it in—I would say to the minister that within two or three months he blessed well should make a decision on this and not stall. Do not let them say to you what they said before the committee and what the committee wouldn't accept. In other words, if the purpose of the bill is going to be frustrated by this behind-the-scenes, back-door, belated, after-the-committee operation, I think it is in violation of our procedures.

**Hon. Mr. MacBeth:** Mr. Chairman, I agree with the last part of what the member for York South is saying. I want to say that I think I am completely consistent. I said earlier that I was impressed by the McRuer argument. I was impressed by the McRuer position in connection with these people who had waited for a number of days, particularly a woman who said the only reason she was there was to request us to put the definition of dependent contractor in section 33. That was the only purpose of her waiting.

When we talked about fair hearings and all the other things, and realizing what Mr. McRuer said about fair hearings—and I take as much responsibility as anyone else for the committee terminating its procedures as quickly as it did—I couldn't say we had given her a fair hearing.

I am inclined to agree with the member's latter remarks that it may be a last-ditch fight, but in the McRuer principle, wherein I say I am being consistent, I feel that we should accept this amendment. I hope that we will be able to accept it today and put the bill on for third reading with the consent of the House.

**Mr. Chairman:** The hon. member for Windsor West.

**Mr. Bounsall:** Just one last remark, Mr. Chairman. I understand what happened in the committee in terms of members of the trucking groups and haulers' groups waiting around to request the committee to make this change. Because of the fact that 5 o'clock was the agreed closing time for the Wednesday sitting, our mood was, "There is nothing much left; let's pass the last eight clauses." That's what we did, and they didn't get a chance to speak to that.

I understand the minister's situation, and I wish the committee had resumed sitting yesterday morning so that this amendment need not have come before us today, the committee clearly having spoken on it. I appreciate that. That's why we will not oppose this amendment that you have brought in today. I feel that the committee acted a little bit quickly, and unnecessarily so, when another couple of hours yesterday morning in that committee would have solved the situation and we would not have had this before us.

We won't vote against it, but I feel rather strongly that this is a last-ditch attempt. Clause (ga) and section 1 of the bill carried, and now they simply want to delay the implementation of that clause. Anything that was presented to us in the committee by



those people was presented, we as a committee spoke on it, and clause (ga) remained in the bill.

To speak very briefly to their representation, they are worried about the Rapoport report not being carried through, which I understand sets up all of the haulers as an association where they can work together. Certainly I am not in any way opposing that sort of action. If all the haulers can be organized into a given unit that can speak with a common voice on a very legitimate problem which they have in this province, that's fine. But under this bill, with some of them being probably eligible for the designation of dependent contractor, I think they do not have a legitimate worry if they feel that an association is working well, as they claim it does, encouraged by the Rapoport report. They do not have a legitimate worry when they worry that that small group which would be classified dependent contractors would organize themselves into some other separate union. The right is there, but if they have a good association, it's not going to happen; only a small proportion of their numbers would so qualify anyway.

That was the argument that we responded to in, committee. I suggest that the minister's innate reaction is correct, that they probably cannot say any more than what they have said and that their worries really are illegitimate.

**Mr. Chairman:** Shall the minister's amendment carry?

Motion agreed to.

Section 33, as amended, agreed to.

**Mr. Chairman:** It would seem that we have come to the end of our deliberations on the three bills in question. Inasmuch as we have agreed to stack the deliberations, I would suggest that we call in the members.

## COLLEGES COLLECTIVE BARGAINING ACT

(concluded)

House in committee on Bill 108, an Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

**Mr. Chairman:** Dealing first with Hon. Mr. Auld's motion to section 24, subsection 1.

Hon. Mr. Auld moved that subsection 1 of section 24 be deleted and the following substituted therefor:

Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to an arbitrator or a board of arbitration the parties shall jointly give written notice to the commission that they have so agreed and the notice shall state.

The committee divided on Hon. Mr. Auld's amendment to section 24 which was approved on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 44, the "nays" are 20.

Section 24, as amended, agreed to.

**Mr. J. R. Breithaupt (Kitchener):** There are no other government amendments, as I understand it, to this bill. We are prepared to have the other amendments put in a group at this time with the same vote reversed acceptable.

**Mr. Chairman:** Is this the agreement of the committee?

**Hon. E. A. Winkler (Chairman, Management Board of Cabinet):** Yes, Mr. Chairman, it's very agreeable.

Agreed.

**Mr. Chairman:** I therefore declare the other amendments lost.

Bill 108, as amended, reported.

## LABOUR RELATIONS AMENDMENT ACT (concluded)

House in committee on Bill 111, an Act to amend the Labour Relations Act.

**Mr. Chairman:** We will deal with Mr. Bounsall's amendment.

**Mr. Breithaupt:** Mr. Chairman, are there amendments which the minister has to place with respect to this bill? I believe not.

**Mr. Chairman:** No, the amendment moved by the minister was carried in committee.

**Mr. Breithaupt:** There are no amendments from the minister which will require the vote at this time?

**Mr. Chairman:** No.

Mr. Bounsall moved that section 10 be amended by adding to section 37 of the said Act the following subsection:

(12) An arbitrator or arbitration board has exclusive jurisdiction to determine all



the questions of fact and law that arise in any matter before the arbitrator or arbitration board and the decision of the arbitrator or arbitration board thereon is final and conclusive for all purposes.

(13) No decision, order, direction, declaration or ruling of an arbitrator or arbitration board shall be questioned or reviewed in any court and no proceedings shall be taken in any court by way of an injunction, declaratory judgement, certiorari, mandamus, prohibition, application for a judicial review, quo warranto, or otherwise to question review, prohibit or restrain the arbitrator or arbitration board or any of his or its decisions.

The committee divided on Mr. Bounsall's amendment to section 37, which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 10, the "nays" are 54.

**Mr. Chairman:** I declare the amendment lost.

Section 37 agreed to.

**Mr. Chairman:** Shall the bill, as amended, be reported?

Bill 111, as amended, reported.

#### SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT (concluded)

House in committee on Bill 100, an Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

**Mr. Chairman:** We will deal first with Mr. Wells' amendment to Bill 100.

Hon. Mr. Wells moved that section 65 of the bill as amended by the social development committee be deleted and the following substituted therefor:

65(1) A principal and a vice-principal shall be members of a branch affiliate.

(2) Notwithstanding subsection 1, in the event of a strike by the members of a branch affiliate, each principal and vice-principal who is a member of the branch affiliate shall remain on duty during the strike or any related lock-out or state of lock-outs or closing of a school or schools.

The committee divided on Hon. Mr. Wells amendment to section 65, which was approved on the following vote:

**Clerk of the House.** Mr. Chairman, the "ayes" are 42, the "nays" are 20.

**Mr. Chairman:** I declare the amendment carried.

Section 65, as amended, agreed to.

**Mr. Deans:** Mr. Chairman, with the exception of one amendment on section 60 moved by Mr. Deacon, as I recall, we would be prepared to have the reverse vote on all of the other amendments.

**Hon. Mr. Wells:** We might not.

**Mr. Deans:** I say we would be prepared. I am not talking for you. I would never talk back for you.

**Mr. B. Newman:** We do not support you on section 51; and we have to vote on 60.

**Mr. Chairman:** Do you wish to take the vote, or do you wish to just record it in Hansard, as the House leader has indicated?

**Mr. Deans:** Might as well take the vote; it takes just as long to take the vote.

**Mr. Chairman:** All right.

**Mr. Chairman:** Which section was it that you were referring to?

**Mr. Foulds:** Sections 51 and 60.

The committee divided on Mr. Foulds' amendments to section 51, which were negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 10, the "nays" are 54.

**Mr. Chairman:** I declare the amendment lost.

Section 51 agreed to.

The committee divided on Mr. Deacon's amendment to section 60, which was negatived on the following vote:

**Clerk of the House:** Mr. Chairman, the "ayes" are 10, the "nays" are 54.

**Mr. Chairman:** I declare the amendment lost.

**Mr. Deans:** Mr. Chairman, on a point of order—

**Mr. Foulds:** Mr. Chairman, could we agree to the same vote on the subsequent clause in 60?

**Mr. Chairman:** Section 60, subsection 2?

**Mr. Foulds:** Section 60, subsection 2, yes.

**Mr. Chairman:** On section 60, subsection 2. is the committee in agreement?

**Mr. Foulds:** Same vote.

**Mr. Deans:** Same vote.

**Mr. Chairman:** All right, I declare it lost. Section 60, as amended, agreed to.

**Mr. Deans:** Mr. Chairman, on a point of order, it is my understanding that the doors were tyled during the time the votes were being taken.

**An hon. member:** Tyled?

**An hon. member:** Locked.

**Mr. Deans:** Locked is the same term, if you wish. The member for Elgin (Mr. McNeil) and the member for Ottawa West (Mr. Morrow) failed to vote on one of the votes that were taken. The ruling is, that if you are in the chamber you must vote. I would ask that you consult the votes and determine the tallies; and if the votes do not tally up the same number of members present, that the votes be retaken.

**Mr. Chairman:** I confirm the count as it was reported to me. I was not aware that any members who were here at the time were not voting.

**Mr. Ruston:** If you had 40 for the vote before and 42 the next time, you might know.

**Hon. J. R. Rhodes** (Minister of Transportation and Communications): Somebody voted twice.

**Mr. Foulds:** That's how you stay in power!

**Mr. Chairman:** Order please.

**Mr. Stokes:** There can't be a difference in the votes.

**Mr. Chairman:** Order please. If there are members in the committee who did not vote on each amendment, I would ask them to declare themselves as to how they would vote.

**Mr. L. C. Henderson** (Lambton): They are opposition members.

**Mr. Deans:** No, they are on your side.

**Mr. Bullbrook:** No, in another four months they will be opposition members.

**Mr. Chairman:** Order, please. I think the Chairman has gone as far as he can at this time, because I am not aware of who did

not vote or who did vote. I just took the count from the clerk's table.

**Mr. Deans:** On a point of order, allow me to tell you that the member for Elgin and the member for Ottawa West did not vote. Now you are aware.

**Mr. Chairman:** I would have to ask the two hon. members then to declare their votes.

**Mr. D. H. Morrow** (Ottawa West): Mr. Chairman, there is a ruling here that if you don't care to vote on a particular amendment you are considered as having voted against it.

**Mr. Deans:** Not so.

**Mr. Morrow:** That's always been the ruling the House. If that satisfies the hon. member for Wentworth, why, record it that way. I am opposed to the amendment as it has been redrawn, I was in favour of the section of the bill as it stood.

**Mr. Chairman:** The hon. member for Elgin.

**Mr. R. K. McNeil** (Elgin): I think the hon. member for Ottawa West has expressed my feelings quite well.

**Mr. Deans:** May I ask that they be added to the votes?

**Mr. Morrow:** Is the hon. member for Wentworth happy?

**Mr. McNeil:** If the hon. member for Wentworth is happy, why, I—

**Mr. Stokes:** Then you are happy.

**Mr. Deans:** I didn't realize that my happiness was any concern of yours.

Bill 100, as amended, reported.

**Mr. Chairman:** This disposes of the business before the committee.

**Hon. Mr. Winkler** moves that the committee rise and report.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

**Mr. Chairman:** Mr. Speaker, the committee of the whole House begs to report three bills with certain amendments and asks for leave to sit again.

Report agreed to.

**Mr. J. F. Foulds** (Port Arthur): But not the "to sit again" part.

## THIRD READINGS

The following bills were given third reading upon motion:

Bill 109, An Act to amend the Ministry of Colleges and Universities Act, 1971.

Bill 100, An Act respecting the Negotiation of Collective Agreement between School Boards and Teachers.

Bill 108, An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

Bill 111, An Act to amend the Labour Relations Act.

**Hon. E. A. Winkler** (Chairman, Management Board of Cabinet): Mr. Speaker, Her Honour awaits to give assent to certain bills.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the legislative assembly and took her seat upon the throne.

## ROYAL ASSENT

**Hon. Pauline M. McGibbon** (Lieutenant Governor): Pray be seated.

**Mr. Speaker:** May it please Your Honour, the legislative assembly of the province has, at its present sitting thereof, passed certain bills to which, in the name of and on behalf of the said legislative assembly, I respectfully request Your Honour's assent.

**Clerk of the House:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 14, the Environmental Assessment Act, 1975.

Bill 15, An Act to amend the Environmental Protection Act, 1971.

Bill 16, An Act to amend the Ontario Water Resources Act.

Bill 100, An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers.

Bill 103, An Act to amend the Public Service Superannuation Act.

Bill 108, An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.

Bill 109, An Act to amend the Ministry of Colleges and Universities Act, 1971.

Bill 111, An Act to amend the Labour Relations Act.

Bill 118, An Act to amend the Education Act, 1974.

Bill 129, An Act to amend the Highway Traffic Act.

Bill 130, the Drainage Act, 1975.

Bill 131, An Act to amend the Tile Drainage Act, 1971.

Bill 132, An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers.

Bill 136, An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund.

Bill 137, An Act to amend the Election Finances Reform Act, 1975.

Bill 138, An Act to amend the Ambulance Act.

Bill 139, An Act to amend the Teachers' Superannuation Act.

Bill 142, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act.

Bill 143, An Act to amend the Ontario Heritage Act, 1974.

Bill 144, An Act to amend the Insurance Act.

Bill 146, An Act to amend the Legislative Assembly Retirement Allowances Act, 1973.

Bill Pr33, An Act respecting the City of Toronto.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

**Hon. Mr. Winkler:** Mr. Speaker, before I move the adjournment I have just been handed the answers to some questions which I would like to table: Nos. 1, 4, 13, 18, 19, 30, 33 and 35. (See appendix, page 4218).

I would also like to say, Mr. Speaker, that the members of the Legislature have a pressing invitation from the press gallery for a brief refreshing interview in the gallery.

**Hon. Mr. Winkler** moves the adjournment of the House.



**Mr. Speaker:** Just before I place the motion, perhaps I might ask the indulgence of the House very briefly to express my thanks to the members of the House for their co-operation with the Chair over the past session. While it's true that the present session is not being prorogued today, I have detected a feeling which seems to be prevalent in the House that perhaps the curtain might possibly be falling on the 29th Parliament of Ontario and, of course, some who are in the chambers today may not be passing this way

again in the same capacity. We wish all these people well.

However, be that as it may, I do hope all the hon. members will have a very restful and well-earned vacation period and so on.

Motion agreed to.

**Mr. Speaker:** This House stands adjourned then in accordance with the motion passed earlier today.

The House adjourned at 2:20 o'clock, p.m.

## APPENDIX

(See page 4216)

Answers to questions were tabled as follows:

1. Mr. Reid—Inquiry of the ministry:

Will the Premier (Mr. Davis) provide a list of employees in his office, their titles, job descriptions and function, the gross salary paid to them, and could he advise how many earn a salary of over \$20,000 per year?

Answer by the Premier:

As of July 15, 1975, there were the following employees in the Premier's office:

EMPLOYEE	TITLE	JOB DESCRIPTION AND FUNCTION
E. E. Stewart	Deputy minister	General administration of office
F. Cork	Secretary to deputy minister	Secretarial duties
H. Anderson	Executive secretary to Premier	Executive secretarial duties
N. Lorito	Driver to Premier	Security driver
M. Fitzpatrick	Assistant to deputy minister	Assists deputy minister in administration of office
J. Boluk	Senior clerk	Correspondence and research
E. Davidson	Secretary to assistant to deputy minister	Secretarial duties
B. Masters	Executive officer	Research
C. Westcott	Executive director and executive assistant to Premier	Executive aide
L. Crockatt *	Secretary to executive director	Secretarial duties
C. Fulman	Executive officer	Research specialist
H. Bourke	Executive officer	Special assignments
R. Cook	Executive officer	Special assignments
M. Petrie	Executive officer	Correspondence—writer
D. Beeney	Executive officer	Liaison—press, radio, TV
S. Barnes	Executive officer	Liaison—press, radio, TV
J. Miller	Executive officer	Research—speeches
B. Fefferman	Administrative officer	Assistant liaison—press, TV
L. Campbell	Executive officer	Co-ordinator—appointments
M. Wilson	Secretary	Secretarial duties
C. Fuller	Typist	Typing/telephone duties
L. Steinman	Executive officer	Co-ordinator—invitations and visits scheduling

EMPLOYEE	TITLE	JOB DESCRIPTION AND FUNCTION
M. Aitkens	Receptionist	Clerical/telephone duties
R. I. Beatty	Executive officer	Director—administration
D. Woodley	Administrative assistant	Ministry personnel
V. Knighton	Clerk-typist	Personnel duties
M. Smith	Administrative assistant	Supervisor—accounts
J. Menor	Clerk	Accounts clerk
C. Serraro	Clerk	Accounts clerk
C. Darling	Administrative assistant	Supervisor—payrolls
E. Abernethy	Clerk	Payrolls clerk
J. Fleck	Clerk	Payrolls clerk
C. Andrews	Clerk	Supervisor—stores/mail
R. Hergott	Clerk	Assistant to supervisor
P. O'Dell	Clerk	Stores assistant
Robert Black	Clerk	Mail/messenger
R. McNeil	Executive officer	Director—records and correspondence
U. Ferdinand	Executive officer	Special assignments
P. Dale	Executive officer	Senior correspondence officer
J. Williams	Executive officer	Correspondence
R. O'Regan	Executive officer	Correspondence
J. Rowsome	Executive officer	Research and correspondence
M. Mallory	Secretary	Secretarial duties
P. Cunningham	Senior clerk	General correspondence
B. Ward	Clerk	General correspondence
G. Miller	Clerk	General correspondence
M. Murray	Administrative assistant	Supervisor—typing pool
M. Sutton	Senior typist	MTST typing operator
L. Sarsby	Typist	MTST typing operator
R. Mezzarcella	Typist	MTST typing operator
D. Ficarella	Typist	MTST typing operator
F. Harding	Administrative assistant	Supervisor—records



EMPLOYEE	TITLE	JOB DESCRIPTION AND FUNCTION
L. Carson	Clerk	Assistant to supervisor—records
E. Cura	Clerk	Records
J. Boros	Clerk	Records
J. Brasonveanu	Clerk	Records
J. Phipps	Clerk	Records
M. Medeiros	Clerk	Records
Members on staff		58
Number of staff paid in excess of \$20,000 per annum		13
Gross salaries		\$890,526
(Salaries figure given—current salaries of staff and does not include future merit increases, or contract revisions.)		

#### 4. Mr. Roy—Inquiry of the ministry:

What are the Ontario government's total expenditures for the production of government publications, reviews, annual reports, etc.?

What percentage of these publications are printed by the Queen's Printer or the government printing services and what percentage by independent printers?

What are the names of these independent printers and the amounts paid to each for the years 1973 and 1974?

Answer by the ministry:

(a) \$4,222,395.78

(b) 7% printed by government printing  
93% printed by independent printers

(c) List of names of independent printers and amounts paid to each for 1973-1974 fiscal year: See following list:

#### 1973-1974 FISCAL YEAR

Name of Independent Printer	Amount
A.M.G. Lithographers	\$ 144.45
Acme Photography & Design	103.40
Acme Printers (Sudbury)	793.00
Aerotype Services	7,167.34
Aggus, Phil, & Son	450.00
Ainsworth Press	29,279.45
Alexander Lithographers	28,820.28
Alger Press	21,606.00
Aliman, Gene	651.17
Allseander Litho Ltd.	5,700.00
Alpine Graphics	7,259.00
American Decal and Mfg.	2,254.00
American Decalcomania Co.	468.00
Anthes Business Forms	633.00
Arcade Press Ltd.	124.99
Arcadian Press	588.00
Arlington Press	40.00
Art and Design Studios Ltd.	740,826.00
Art Printing Co.	669.00
Arthur, Jones and Little	19,600.00
Arthur-Jones Lithographing Ltd.	44,708.00
Artistic Display (Cameron)	1,945.00

Name of Independent Printer	Amount
Artistic Stationery Co. ....	1,847.51
Artype Services .....	936.25
Ashton Potter .....	19,534.00
Askett Printing .....	429.84
Associated Printers .....	30,539.73
Astra Printers Ltd. ....	934.00
Astro Graphics (Cornwall) .....	256.00
Atkin Printing .....	4,077.77
Attwell Fleming .....	45,299.61
Baker-Gurney & McLaren Press Ltd. ....	48,911.00
Bambrick Printing Co. Ltd. ....	522.00
Barrie Press (Barrie) .....	1,135.31
Bay Packaged Printing Services .....	1,301.00
Beauregard Press Ltd. (Ottawa) .....	4,631.25
Bell Offset .....	3,528.00
Bender Printing Ltd. ....	2,265.19
Benner Printing Co. (Kitchener) .....	2,383.00
Best, T.H., Printing .....	32,210.20
Bickerton Litho Ltd. ....	1,357.26
Binder Printing Ltd. (Kitchener) .....	977.00
Bomac Ballen .....	667.00
Boueen Printing Ltd. ....	131.00
Brigdens Ltd. ....	3,111.72
Brimley Litho .....	2,208.07
Britannia Printers .....	373.00
Brown Brothers Ltd. ....	514.90
Brown and Martin (Kingston) .....	806.00
Bryant Press Ltd. (The) .....	41,379.00
Brydon, Harvie Production .....	275.00
Burroughs Business Machines (Toronto and Quebec) .....	1,069.00
Cameron Advertising Displays .....	11,257.00
Canada Decalcomania Co. Ltd. ....	8,474.00
Canadian Library Supply .....	31.00
Canadian Offset .....	12,407.50
Canadian Photocopy Co. Ltd. ....	542.27
Canadian Printco Ltd. ....	9,119.27
Canadian Publishing Co. ....	2,585.12
Cardinal Press Ltd. ....	1,427.15
Carr Print Co. ....	454.75
Carswell Printing Co. ....	58,472.39
Century Press .....	18,110.02
Chadwick Print and Litho .....	4,182.24
Charger Printing (Kitchener) .....	10,542.00
Charters, M.C. ....	5,797.28
Charters Publishing Co. Ltd. ....	10,916.00
Chowham Printers (Brantford) .....	391.00
Chromo Litho .....	8,426.00
Cliff Waters Litho .....	3,831.00
Cockburn, John, Ltd. ....	38.52
Cockburn and Eckler Ltd. ....	158.00
Colourgraph Reproduction Inc. ....	129.00
Commercial Papers .....	1,906.00
Commercial Print Craft .....	663.00
Commercial Printing .....	1,867.00
Compuprint Ltd. ....	385.20
Computype Ltd. ....	325.00
Continuous Forms .....	2,115.00
Cook, James, Ltd. ....	914.47
Cooper and Beatty Ltd. ....	2,327.00

Name of Independent Printer	Amount
Copier Division .....	260.00
Copp Clark Publishing Co. ....	6,912.00
Corporate Litho .....	6,037.00
Credit Valley Printers .....	103.00
Dacey, Pat .....	1,035.00
Danforth Marketing Services .....	14,083.23
Danforth Printing .....	3,022.00
Davis Assoc. and Cook Printing .....	1,011.00
Davis Printing (See also Combined contracts) .....	48,065.43
Deco Adhesive Products .....	477.00
Delagraphics .....	16,453.47
Design Lithographers .....	2,128.00
Designographics .....	367.81
Deyell, John, Printers .....	11,632.00
Dick, A.B., Co. of Canada .....	520.00
Dodsworth Print & Litho .....	411.95
Dominion Press (Ridgetown) .....	4,328.00
Editions Graphiques (Les) .....	18,203.00
Espie Printing Ltd. ....	90,297.05
Estoprint Ltd. ....	6,801.75
Eveready Printers .....	250.00
Exeter Times Advocate .....	4,971.00
Fairway Press (Kitchener) .....	2,319.00
Farquharson Advertising .....	1,000.00
Ferguson Graphics .....	52.80
Fine Papers Ltd. ....	56.20
Fordprint Ltd. ....	1,534.00
Foad, Frank, Ltd. ....	103.00
Freer Graphics .....	500.00
Frisby Litho .....	2,386.37
G.B. Sales .....	162.96
Galt Printers (Cambridge) .....	709.00
Garden City Press .....	44,734.35
Caylord Lithographing Ltd. ....	45,112.00
Caylord Printing .....	6,110.00
General Binding .....	5,067.50
General Printers (Oshawa & Toronto) .....	41,452.00
Gerotype Services .....	350.00
Gilchrist Wright Ltd. ....	176.55
Globe Printing & Lithographing Ltd. ....	54,736.66
Gold Craft Printers .....	3,205.72
Gold Star Litho .....	693.00
Golden Graphics Ltd. ....	1,893.00
Grand and Toy .....	40.00
Graphic Arts (Guelph) .....	150.00
Graphic Centre .....	54,752.00
Graphic 48 Printing .....	2,342.13
Graphic Lithoplate Ltd. ....	16,728.00
Griffin House Graphics Ltd. ....	13,330.45
Griffin, W.L. (Hamilton) .....	3,323.00
H.F.P. Litho .....	1,656.00
Hamilton Screen Print (1967) Ltd. (Burlington) .....	2,290.00
Hammond Imaging .....	200.00
Hanson & Edgar (Kingston) .....	4,910.00
Haughton, C.F., Ltd. ....	35,957.00
Hearn, W.G., Stationer .....	1,069.75
Hedgehog Productions .....	220.00



Name of Independent Printer	Amount
Henderson & Laing Ltd. ....	158.00
Heritage Press .....	9,756.55
Herzig Somerville .....	6,808.00
High Park Printers .....	831.40
Hilroy Envelopes & Stationery .....	445.32
Hogarth Printing .....	2,775.00
Holland & Neil Ltd. ....	5,506.00
House of Lind .....	1,374.00
Houstons Standard Publications Ltd. ....	4,918.60
Howarth & Smith .....	11,508.32
Howell Printing .....	31.04
Huddleston & Barney .....	11,111.00
Hunter, C. E. ....	9,264.00
Hunter Printing London Ltd. (London) .....	3,455.02
Hunter Rose .....	65,506.00
Hunter Straker Templeton Ltd. ....	3,317.00
Hurley Printing (Brantford & Brampton) .....	2,892.00
Impact Business Forms .....	2,122.51
Impressions Ltd. ....	493.00
Insurance Forms Co. Ltd. ....	6,457.00
Intercontinental Maps and Charts .....	12,532.00
Iroquois Printing Co. Ltd. (Iroquois) .....	320.00
Islington Press .....	5,740.31
Journal Printing .....	4,364.00
Karn and Garber .....	386.00
Kelly, Murray (London) .....	7,443.00
Kemi Corp. ....	557.00
Kendall Printing .....	793.00
Kerton, R., Printing .....	38.68
Kettlewell, C. William .....	552.12
LaPlante Litho .....	1,566.00
Lawson Business Forms Ltd. ....	574.00
Lawson Graphics (Woodstock) .....	3,531.00
LeDroit and Le Clere (Ottawa) .....	7,939.95
Leeman (Guelph) .....	267.00
Liaison Public Relations .....	40,812.00
Lincoln Graphics (St. Catharines) .....	241.00
Litho House .....	603.00
Litho Print .....	1,284.54
Livingston Printing Ltd. ....	6,893.40
Love Printing (Ottawa) .....	6,271.38
Lvalett Business Forms .....	1,356.00
M and S Printers .....	10,879.99
M.F.P. Litho .....	2,881.00
Macdonald Downie .....	7,997.40
MacKinnon & Moncur .....	21,076.71
Maclean-Hunter .....	36,313.00
Magill Business Systems Ltd. ....	12,263.00
Mang Engraving Service .....	311.00
Mannerwood Press Ltd. ....	23,737.29
Maple Leaf Press .....	371.73
Maracle Press (Oshawa) .....	52,470.00
Marade Press .....	2,292.18
Marep Investment Reports Ltd. ....	209.69
Maxwell Review (Peterborough) .....	1,262.00
McBee Co. ....	706.00
McCutcheon Business Forms .....	10,703.02
McLaren, Morris and Todd .....	44,994.64
McLellan, (Mrs.) Dale .....	1,050.00

Name of Independent Printer	Amount
McManus and Associates .....	2,673.00
McNally, T., Ltd. ....	642.00
Merchants Printing Co. Ltd. (Kitchener) .....	8,208.78
Meredith Lithographing Ltd. ....	6,633.55
Mercury Press .....	239.68
Miln-Bingham .....	652.00
Mirror Press .....	9,099.71
Mission Press .....	720.00
Mr. Copy Ltd. ....	2,996.00
Moggridge, G. A., Co. Ltd. ....	675.98
Mono Lino Typesetting .....	1,446.00
Moore Business Forms .....	2,407.00
Moore Type Foundry Ltd. ....	65.00
Morris Graphics .....	4,822.24
Mortimer Ltd. ....	4,666.00
Moss Press .....	360.79
Montrose Printing Co. Ltd. ....	3,350.00
Moyer Printing Co. (Brantford) .....	4,900.00
Multi Colour Printing .....	8,136.99
Mundy Bros. Ltd. ....	245.70
Munn Envelopes Co. ....	3,448.20
Murray Kelly Printing (London) .....	11,210.00
Murritt Photofax Ltd. ....	1,834.80
Nashua Canada Ltd. ....	326.38
National Cash Register .....	65.00
New Canadian Publications .....	45,837.11
Newsweb Enterprise Ltd. ....	37,702.29
Newton and Frank Associates (See also Combined contracts) .....	1,840.00
Noble Scott (See also Combined contracts) .....	332,227.03
Norfield Hart .....	721.00
Northern Miner Press .....	35,242.00
Office Equipment Co. ....	1,469.00
Offset Print & Litho .....	981.62
Orval Litho .....	690.00
Paragon Reproductions .....	2,736.05
Parr's Print and Litho Ltd. ....	9,688.00
Pearson-Garnet Press Ltd. ....	458.00
Pharoah Printers Ltd. ....	246.86
Pitney Bowes .....	1,372.50
Polish Alliance Press Ltd. ....	60.00
Prince and Smith .....	1,386.90
Printing House .....	7,083.24
Print Three Inc. ....	2,517.45
Printage .....	3,651.51
Progress Printing (Preston) .....	2,794.00
Progressive Printing (London) .....	4,939.00
Provincial Graphics Ltd. ....	2,456.00
Prudential Press .....	684.00
Publishers Ltd. ....	180.00
Purvis Chalmers .....	1,248.00
R.B. Trade Printing .....	940.00
R.E.S. Promotions Ltd. ....	1,647.80
Rolph-Clark .....	23,303.00
Rapid Blue Print Ltd. ....	37.29
Rapid Print .....	61.53
Recording and Statistics Co. ....	7,529.50
Redi Set Business Forms .....	719.00
Regent Press (Ontario) Ltd. ....	1,644.00

Name of Independent Printer	Amount
Reidel, D., Publishing Co. ....	120.00
Reunance Printers (Barrie) .....	134.00
Reynolds and Reynolds .....	825.00
Richardson, Bond & Wright (Tor. & Owen Sound) .....	63,185.74
Richmond Litho .....	663.00
Ritz Printing (New Hamburg) .....	3,776.00
Robb Press Ltd. ....	123.05
Rolph-Clarke-Stone Ltd. ....	44,549.00
Ronalds Federated Ltd. ....	3,143.00
Rous and Mann Ltd. ....	5,160.27
Runge Press (Ottawa) .....	1,223.00
Sampson Matthews Ltd. ....	22,565.00
Sealcraft Ltd. ....	2,175.00
Seal-on Products .....	229.00
Sensory City .....	2,989.00
Service and Smiles Ltd. ....	773.34
Sheppard and Sears Ltd. ....	4,274.00
Shield Publishing House .....	90.53
Shing Wah Daily News .....	492.20
Simpson-Matthews Printers .....	39,757.00
Sinclair Smith (Burlington) .....	706.00
Source Data Control Ltd. ....	1,204.00
Southam Graphics .....	1,974.00
Southam Murray .....	174,427.43
Spalding Printing Co. ....	58,131.15
Standard Free Holder .....	460.29
Standast, R., Ltd. (Paris) .....	4,688.00
Star Print .....	21,747.00
Stubbs & Massue .....	1,062.00
Superior Litho .....	235.40
Superior Printery .....	95.23
Swift-O-Type .....	4,218.83
Talbot Communications (London) .....	1,219.00
Talbot, A., Ltd. ....	947.71
Telford and Craddock .....	100,460.07
Temiskaming Printing Co. (New Liskeard) .....	1,071.00
Think Ink .....	5,693.39
Thistle Printers .....	3,858.63
Thompson Printing (Perth) .....	1,767.95
Thorn Press .....	21,539.95
Thornton, G. M., and Son .....	6,603.67
3M Co. of Canada Ltd. ....	10,391.41
Tibbles Printing .....	8,834.06
Torans, Robert, Assoc. Limited .....	150.00
Trade Typesetting Co. Ltd. ....	8,400.00
Trans Canada Printers .....	3,678.11
Trans Copy .....	347.75
Tri Graphic Printing (Ottawa) .....	1,525.00
Tulloch Distributors .....	1,124.60
Twin Offset Ltd. ....	21,464.21
Universal Offset .....	7,321.20
Universal Printing .....	10,497.00
University of Toronto Press .....	1,436.00
United Paper Mills .....	2,554.00
Versatel Corporate Services .....	29,297.21
Wagner Signs Ltd. ....	45.30
Wallace Davey .....	11,930.00
Wallace Printing .....	1,905.00
Waverley Press .....	164.00



Name of Independent Printer	Amount
Webb Offset Printing .....	1,000.00
Welch and Quest Ltd. ....	1,554.00
Weller Publishing .....	3,491.00
Westprint .....	33,417.92
Wilson, Alex, Publication Ltd. ....	736.16
Willson, Reg .....	21,580.00
Winchester Press (Winchester) .....	173.00
Wright Lithographing Co. (London) .....	6,600.52
Xerox of Canada .....	2,144.54
York Litho Ltd. ....	5,590.00
York Press .....	1,077.02
York Printing House .....	542.49
Yorkville Press .....	184.04
Combined Contracts	
Newton & Frank Assoc./Davis Printing Ltd. ....	14,949.10
(See also above)	
Noble Scott/Southam Printing .....	2,251.00
(See also above)	
Public Relations Services Ltd./Designers & Partner, Ltd., Walker Press Ltd. (Paris) .....	72,722.00

### 13. Mr. Riddell—Inquiry of the ministry:

Which specific suggestions from the submissions to the green paper on environmental impact assessment are contained in the Environmental Assessment Act, 1975? In what section(s) is each reflected? How many submissions suggested that it be made mandatory that notice of an undertaking be given to persons living in the areas and any other interested and affected individuals?

#### Answer by the Minister of the Environment:

I propose to respond to the question in two parts. Part 1 deals with specific suggestions which have been incorporated into the proposed Environmental Assessment Act, 1975. Where applicable, the appropriate section number is listed. Part 2 deals with the question regarding a mandatory notice provision.

#### Part 1

The many submissions received in response to the green paper on environmental assessment have proved most useful to my ministry in the development of the proposed Environmental Assessment Act, 1975.

After discussing the need for an environmental assessment programme—the establishment of which was endorsed in an overwhelming majority of submissions—the green paper turned to a review of the optional means of structuring a formal assessment process. To provide some focus for public debate, the green paper set out four optional administrative systems for public comment.

Of these four systems, System C, or C modified, was preferred by a larger number of those making submissions than was any other category. The proposed legislation reflects this preference, as its basic features are based upon System C with the modification that the final decision on whether or not to approve an undertaking, or approve it conditionally, is to be made by cabinet or designated committee thereof. Following are the main features of this system which have been incorporated into the legislation:

1. That the environmental assessment should be prepared by the project proponent, or the proponent's consultant. This is accomplished by s. 5(1).
2. That the issuance of assessment guidelines and the co-ordination of the technical review of the completed assessment be handled by the Ministry of the Environment. See s. 7(1) and s. 41(i).
3. That hearings be held by an Environmental Assessment Board at the discretion of the Minister of the Environment. See s. 13(1). Also see s. 12(1) and s. 13(2) which allow the proponent of the undertaking to require a hearing in certain circumstances.
4. That the final decision on approval of an undertaking, conditional approval, or refusal of approval should be made by the cabinet or designated ministers. See s. 14(1).

In addition to the major system features listed above, the legislation has incorporated many other ideas and suggestions put forward in the green paper submissions. Among the more significant of these are the following:

That the contents of an environmental assessment should include the social and economic effects of an undertaking, or its alternatives, as well as the effects on the natural environment. See 1 (a), (c) and (e) which provide the interpretations which must be used in reading the words of s. 5(3).

That the environmental assessment should be prepared and reviewed as early as possible in project planning so that alternative courses of action, including the option of not proceeding, are open to decision-makers. See s. 5(1) and s. 6.

That municipalities in which an undertaking is being carried out be provided with an opportunity for input to the review process. See s. 5(1) and (2).

That there should be an opportunity for members of the public to participate in the discussion of the environmental assessment of a proposed undertaking before decisions are made by the government. See s. 7(1) and (2).

That all relevant documentation should be made available for public scrutiny. See s. 7(1) and s. 32.

That there should be provisions for exemption from public disclosure in order to protect trade secrets, marketing information, and sensitive financial information, but that such exemptions should be granted only if it is consistent with the public interest. See s. 19 and s. 31.

That the terms of office of the members of the Environmental Assessment Board should be fixed in length and expire on a staggered basis in order to ensure both continuity and a regular injection of new talent. See 18(4).

That the legislation should contain provisions, similar to those in the Ontario Energy Board Act, to allow the hearing agency to appoint counsel or experts to assist the board in the conduct of hearings. See 18(9).

That it should be possible to require an environmental assessment not only of actions causing direct physical change, but also of the programmes of which the individual projects are components. See s. 1(o), s. 3, and s. 41.

That the environmental assessment programme should be implemented on a phased basis so that procedures may be streamlined and unnecessary delays avoided. See s. 3.

The foregoing should indicate that the submissions made by the public have been considered very carefully by the ministry and have played a major role in shaping the proposed Environmental Assessment Act.

## Part 2

Various provisions were suggested for giving the public notice of a proposed undertaking, of the submission of an environmental assessment document, and of public hearings. Included in these suggestions were Ontario Gazette publication, newspaper advertisements, broadcast notices, posting of affected sites, notification of adjoining landowners, and mailed announcements to interested citizens' organizations. No statistics are available as to the number of submissions suggesting "that it be made mandatory that notice of an undertaking be given to persons living in the areas and any other interested and affected individuals."

The province has learned from its experience with a variety of hearing mechanisms under different pieces of legislation that no one single way can be put into legislation to ensure effective public notice and response. This is particularly true with the proposed environmental assessment legislation, as the areas affected by different undertakings designated under the Act may vary from a part of an acre to many thousands of square miles. Therefore, the legislation is drafted so that public notification and participation can be tailored to suit the individual assessment procedure on a given undertaking. However, I can provide an assurance that it is the intention of the ministry to use all feasible techniques to ensure that potentially affected members of the public have an opportunity to make a contribution to the assessment process.

18. Mr. Reid—Inquiry of the ministry:

Would the Chairman of the Management Board of Cabinet advise the Legislature the total budget for the Robarts commission to study Metro Toronto?

Answer by the Chairman of the Management Board of Cabinet:

At this stage, the total cost for the Robarts commission to study Metro Toronto is estimated to be as follows:

Oct. 1, 1974 — March 31, 1975 .....	\$ 245,000
April 1, 1975 — March 31, 1976 .....	627,000
April 1, 1976 — Dec. 31, 1977 .....	233,000
<b>Total .....</b>	<b>\$1,105,000</b>

19. Mr. Reid—Inquiry of the ministry:

Would the Chairman of the Management Board of Cabinet advise the Legislature the total budget for the LaMarsh commission to study violence in movies and on television?

Answer by the Chairman of the Management Board of Cabinet:

The estimated cost of the LaMarsh commission for:

1975-1976 .....	\$541,000
1976-1977 .....	211,000
<b>Total .....</b>	<b>\$752,000</b>

30. Mr. Germa—Inquiry of the ministry:

How many boilers and pressure vessels were overdue for inspection as of March 31, 1975, by insurance companies? How many boilers and pressure vessels were overdue for inspection as of March 31, 1975, by the boilers and pressure vessels branch? What are the actual dates of the last inspection of these boilers and pressure vessels? What are the due dates for inspection of each boiler and pressure vessel? What is the location of each uninspected boiler and pressure vessel? Who is the owner of each boiler and pressure vessel overdue for inspection? What kind of boiler or pressure vessel is involved and overdue for inspection?

Answer by the Minister of Consumer and Commercial Relations:

1. Where inspections are the responsibility of insurance companies as allowed by paragraph 28 of the Boilers and Pressure Vessels Act, no records are maintained by us of inspections of insured vessels. However, contact was made with six leading insurance companies. Of these, four reported they were up to date, one reported 617 overdue and one stated that about eight per cent of all insured objects, which include machinery and electric motors, were overdue to some extent.

2. There were 9,109 boilers and pressure vessels overdue at the end of the fiscal year 1974-1975.

3-7. This information is too lengthy to detail here. It is available in the form of approximately 650 computer printout sheets, which Mr. Germa is welcome to observe with me in my office.

The fact that any vessel is overdue for inspection does not necessarily make the vessel unsafe. It is the responsibility of the owner to maintain the equipment in a safe working condition (paragraph 27, Boilers and Pressure Vessels Act) and the periodic inspection of these items is for the purpose of ensuring that this has been done.

33. Mr. Roy—Inquiry of the ministry:

When will the Premier answer my question which he said he would be delighted to answer on April 22, 1975, and which has been on the order paper since Nov. 22, 1974, concerning private members of the Conservative caucus who had been sent outside of Canada since October, 1971, on behalf of any ministry or agency? What was the nature of their missions and what has been the total cost of these projects?

Answer by the Premier:

Ministry of Education: Mr. J. A. Belanger attended the International Congress of French-Speaking Americans in Lafayette, La., from April 2 to 9, 1972, as a representative of the government. The cost of Mr. Belanger's trip was \$556.12.



Ministry of Natural Resources: Since Oct. 21, 1971, one private member was sent outside Canada on behalf of his agency: Aug. 2 to 4, 1972; Mr. James N. Allan, chairman, Niagara Parks Commission, to Longwood Gardens, Kennett Square, Pa., re horticultural garden inspection—\$57.92.

Replies from all other ministries: No private members of the Progressive Conservative caucus have been sent outside of Canada on behalf of any other ministry or agency.

35. Mr. Foulds—Inquiry of the ministry:

How many government employees have been transferred in and out of Thunder Bay who have taken advantage of the government of Ontario Employee Home Owner Assistance Plan?

Answer by the Minister of Government Services:

The government of Ontario Employee Home Owner Assistance Plan provides service related to the home from which an employee is moving, but does not relate to the home to which an employee is moving. Therefore, the Ministry of Government Services is only able to provide information with respect to those employees transferred out of Thunder Bay who have taken advantage of the plan. The information with respect to those employees transferred to Thunder Bay who have taken advantage of the plan would have to be provided by each ministry.

The number of government employees who have been transferred out of Thunder Bay who have taken advantage of the government of Ontario Employee Home Owner Assistance Plan is 13.

## CONTENTS

Friday, July 18, 1975

Pickering airport, questions of Mr. Rhodes: Mr. Breithaupt, Mr. Deacon, Mr. Deans, Mr. Roy .....	4179
Nanticoke parks, questions of Mr. Irvine: Mr. Breithaupt .....	4180
Summer concert costs, questions of Mr. Winkler: Mr. Breithaupt, Mr. Shulman .....	4181
Southern Ontario development plan, questions of Mr. Beckett: Mr. Deans .....	4181
Minor hockey contracts, question of Mr. Clement: Mr. Deans .....	4182
Ontario Lottery Corp., question of Mr. Winkler: Mr. Deans .....	4182
Food prices, questions of Mr. Grossman and Mr. Eaton: Mr. Deans .....	4183
Penetanguishene hospital conditions, question of Mrs. Birch: Mr. Breithaupt .....	4183
Housing in Thunder Bay, questions of Mr. Irvine: Mr. Foulds .....	4183
Eye injuries in minor hockey, question of Mr. Brunelle: Mr. Roy .....	4184
Operations at Reeves mines, question of Mr. Bernier: Mr. Ferrier .....	4185
Inquiry into dump truck operations, questions of Mr. Rhodes: Mr. P. Taylor, Mr. Bounsall, Mr. Laughren .....	4185
Railway relocation, questions of Mr. Rhodes: Mr. Germa .....	4186
Study of CN project, questions of Mr. W. Newman: Mr. Ruston .....	4186
Urban housing demonstration projects, question of Mr. Irvine: Mr. Burr .....	4187
Pickering airport, questions of Mr. Irvine: Mr. Deacon .....	4187
Upgrading of northern roads, question of Mr. Bernier: Mr. Stokes .....	4188
Use of French in courts, questions of Mr. Clement: Mr. P. Taylor, Mr. Germa, Mr. Roy .....	4188
Payments to Donald Martin, questions of Mr. Brunelle: Mr. Shulman .....	4189
Criminal Code amendments, question of Mr. Clement: Mr. Roy .....	4189
Workmen's Compensation Act amendments, question of Mr. MacBeth: Mr. Foulds .....	4190
School Boards and Teachers Collective Negotiations Act, in committee .....	4191
Labour Relations Amendment Act, in committee .....	4203
Colleges Collective Bargaining Act, reported .....	4213
Labour Relations Amendment Act, reported .....	4213
School Boards and Teachers Collective Negotiations Act, reported .....	4214
Third readings .....	4216
Royal assent to certain bills, the Honourable the Lieutenant Governor .....	4216
Tabling answers to questions on the order paper, Mr. Winkler .....	4216
Motion to adjourn, Mr. Winkler, agreed to .....	4217
Appendix: Answers to questions on the order paper .....	4218













**JOURNALS AND PROCEDURAL RESEARCH BRANCH**  
**DIRECTION DES JOURNAUX ET DES RECHERCHES EN PROCEDURE**  
**ROOM 1640, WHITNEY BLOCK**  
**QUEEN'S PARK, TORONTO, ON M7A 1A2**

